



Roadmap for Reform

**A vision for renting in England with safe,
secure and affordable homes for all**

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1. Executive Summary

The number of people privately renting has more than doubled in the past twenty years. Private renting is now the second largest tenure in the UK – and yet privately rented homes are the most insecure, most expensive and lowest quality of any tenure. Reform is long overdue.

Since the previous government pledged to scrap them in 2019, nearly 1 million renters have been served a Section 21 eviction. Evictions uproot renters from their homes, their communities, and their lives. And for some, an eviction means more than just disruption: since 2019, 80,000 people have presented to their local council as facing homelessness due to a Section 21 eviction. Failure to meaningfully improve renting is a core driver of our escalating homelessness crisis.

Relatedly, private renting is the most expensive tenure, with the average tenant spending 32% of their income on rent. But while rents are at record highs, far outstripping wage growth, the homes renters are paying for are often low quality or even unsafe. 1 in 5 privately rented homes do not meet the Decent Homes Standard – by far the highest proportion of any tenure.

Landlords have ultimate discretion over who they rent to, which means that privately renting can be a discriminatory tenure. To give just one example, 1 in 3 Disabled renters lives in unsuitable accommodation. And the use of guarantors and demands for multiple months' rent to be paid upfront also make it much harder for lower income renters to find a home.

These statistics paint the picture of a renting system in crisis. A home should be the foundation of your life – and yet for so many renters in England, it's manifestly failing that function. They are being let down by the system, and they

have been let down by politicians: after being promised a fairer deal in 2019, it is outrageous that little has changed for England's 12 million private renters since.

The Renters' Reform Coalition welcomes the introduction of the Renters' Rights Bill to parliament, and commends this government for working at pace to introduce legislation on 11 September 2024. The end of Section 21 cannot come soon enough. The government should hold firm in the face of landlord threats of a wave of repossessions before the reforms come into force – if this does take place, it will be important to communicate that this behaviour is yet more evidence of the need to strengthen renters' rights, and of the need to make sure that local authorities are in position to ensure this does not lead to an increase in homelessness.

Many of the commitments in the Bill will be welcomed by renters up and down the country, including the abolition of Section 21 evictions, longer notice periods, and the banning of bidding wars. As introduced, the Renters' Rights Bill is a serious and credible attempt to deliver the much-needed rebalancing between tenants and landlords, particularly with regards to security of tenure and quality. Clearly, in drafting this legislation the government has listened to renters and their representative organisations, and we are grateful for that.

Nonetheless there is room for improvement if the legislation is to deliver on the government's ambitions to address the "insecurity and injustice that too many renters experience" and "decisively level the playing field between landlords and tenants". Our Roadmap for Reform report sets out our vision of what will be needed to deliver on such important aims.

As currently drafted, the Bill needs to be strengthened in key areas to deliver secure, quality, affordable and discrimination-free homes for renters. The Renters' Reform Coalition is calling for:

- **No fault eviction compensation** – we are calling for an automatic right to non-payment of rent in the final two months before a tenant vacates, in cases where a landlord has used no-fault eviction grounds. This would compensate for the costs and disruption of a no-fault eviction.
- **Longer protected period** – we urge the government to ensure that renters are protected from a no-fault eviction for the first two years of a tenancy.
- **Discretionary possession grounds** – all grounds for possession introduced by the Renters' Rights Bill should be discretionary, to allow courts to consider all factors and where possible avoid or postpone a damaging eviction.
- **Addressing affordability** – we believe the government should establish a National Rental Affordability Commission to investigate effective methods to make renting more affordable. This should include investigation of rent control measures aimed at bringing rents down relative to incomes.
- **Rent stabilisation** – we continue to advocate for rent stabilisation within tenancies, with a cap on in-tenancy rent increases of the lowest of either inflation or wage growth. This measure would primarily be aimed at improving security of tenure, so a rent hike could not be used as a no-fault eviction by the back door.
- **Mediated rent pauses for serious disrepair** – we recommend the introduction of a new legal right to pause rent payments where a landlord fails to carry out essential repairs within a defined timeline. This would support the intention behind extending Awaab's law to the private rented sector.
- **Strengthening enforcement and selective licensing** – the Bill will not deliver on its aims unless local authorities are properly funded according to the number of rented homes in their area and are supported to ensure that enforcement can take place effectively, and it should also be made easier to expand selective licensing schemes.
- **Ending all forms of discrimination in the private rented sector** – the Bill should introduce limits on the situations in which a landlord can demand a guarantor or multiple months' rent upfront. There should also be stronger protections against disability and racial discrimination, including abolishing Right to Rent."
- **Illegal evictions** – we are concerned that the abolition of Section 21 may lead to a rise in illegal evictions undertaken by unscrupulous landlords. We are calling for the government to significantly strengthen powers for tackling illegal evictions.

England's 12 million private renters have waited for too long. The government must seize this once-in-a-generation opportunity reset the balance of rights and responsibilities between landlords and renters, and ensure that everyone who lives in a rented home can thrive.

2. About this report

The Renters' Reform Coalition is a coalition of 21 organisations committed to working together to ensure the Renters' Reform Bill delivers the safety, security and improvements needed for the 12 million private renters in England. We are united in our mission to reform the private rented sector so that everyone who relies on it for their home can prosper.

Our members have a broad range of expertise on housing and associated issues. They represent all parts of the renters' movement, and campaign for policy change both inside and outside of the Renters' Reform Coalition.

We have come together to offer solutions for change, with the purpose of shaping the government's approach to the Renters' Rights Bill and renting policy more broadly.

This report represents an outline of the Renters' Reform Coalition's policy principles in relation to the upcoming Renters' Rights Bill. It should not be viewed as a comprehensive guide to each member's position on the topics covered, and is not necessarily representative of each organisation's specific policy positions.



Renters' Reform Coalition members

ACORN


advice
for renters


cfpt
CAMDEN FEDERATION
OF PRIVATE TENANTS

Chartered Institute of
Environmental Health




citizens
advice


crisis Together
we will end
homelessness


GREATER MANCHESTER
TENANTS UNION


Generation
Rent

JRF JOSEPH
ROWNTREE
FOUNDATION


Law
Centres
Network

**LLOYDS BANK
FOUNDATION**
England & Wales 

**LONDON
RENTERS
UNION**


Nationwide
Foundation


NEW
ECONOMICS
FOUNDATION

nus
national union of students




RENTERS'
RIGHTS
LONDON


Safer Renting


SHELTER

TOYNBEE
HALL



Z2K 
Fighting
poverty



3. Tenancy Reform and Security

3.1 Abolishing section 21

Renters deserve secure homes that they can call their own, where they can put down roots, free from the worry of the upheaval and cost of an unexpected house move. Evictions are incredibly damaging: they should be rare and every effort should be made to mitigate harms caused.

Only private renters face the threat of a Section 21 eviction. Evictions cause financial hardship and mean that renters have to rebuild their lives in a new home and neighbourhood. Fear of eviction can also prevent tenants from complaining about disrepair in their homes, and creates a constant sense of insecurity.

Section 21 evictions are very common. Ministry of Justice figures show that there was a 15% rise in landlords starting Section 21 proceedings in the

year to May 2024¹ – and almost 1 million renters have been given no fault evictions since the previous government first pledged to scrap them.²

Everyone faced with an eviction will experience upheaval and uncertainty, but, for some, a Section 21 eviction can mean risking homelessness. Analysis by Homeless Link of statutory homelessness data has found that Section 21 evictions have led to 80,000 households approaching their local authority for homelessness support since the previous government's initial pledges to ban this kind of eviction.³ Renters have waited for long enough: Section 21 must be abolished immediately.

We welcome the government's commitment to bring in the new tenancy system, including scrapping Section 21, shortly following Royal Assent of the Renters' Rights Bill.

Christopher:

"I experienced a Section 21 eviction when my landlady decided to sell up. I lived in my home for 13 years, and with rents doubling in the area since I last looked, I was priced out of the community I call home. I couldn't afford to move out of my flat, and found it particularly difficult to find a new home, facing discrimination from landlords and estate agents due to being in receipt of benefits. The local council told me to stay in the flat I was being evicted from, as if I left of my own accord they would have no duty to house me and I would find myself homeless.

While I was still living there, the new owner tore the property up, exposing me to constant noise, dust and smoke from illegal bonfires of builders' waste. I am autistic and have heart and breathing problems. I have been forced into private renting due to the chronic shortage of social housing, which has a significant impact on my mental and physical health. While I am lucky to have friends who could help me, I worry I will never feel secure enough to call anywhere home again."

1. <https://www.insidehousing.co.uk/news/news/no-fault-evictions-proceedings-increase-19-in-first-quarter-of-2024-to-a-six-year-high-86536>

2. <https://news.sky.com/story/section-21s-almost-one-million-renters-given-no-fault-evictions-since-tories-promised-to-scrap-them-13115895>

3. <https://homeless.org.uk/news/households-threatened-with-homelessness-over-80000-times-due-to-section-21-evictions-since-government-promised-to-scrap-them/>

3.2 Periodic tenancies

Assured Shorthold Tenancies are typically fixed term tenancies. At the end of the fixed term the tenancy may be replaced with a new fixed term or roll over on a periodic basis. For example, if the rent is payable monthly it would be a monthly periodic tenancy.

The Renters' Rights Bill will abolish Section 21 and end fixed term tenancies. Without the cycle of fixed terms and break clauses, renters will have greater stability and flexibility. Tenants will be able to leave the tenancy at a time of their choosing, after giving the landlord appropriate notice. Most renters wish to stay in their homes for a long period, but being able to move out at a time of their choosing is an important safeguard which will be used only in a very small number of instances. This is an important consumer protection: open-ended tenancies enable renters to exit a tenancy where, for instance, a property is not as advertised, or serious disrepair comes to light after moving in. There might be other circumstances in which a renter may need to exit a tenancy, such as if they were fleeing domestic violence.

The Renters (Reform) Bill proposed by the previous government initially would have ended all fixed term tenancies and replaced them with periodic (open-ended) tenancies. Under pressure from pro-landlord Conservative backbenchers, the previous government inserted a six month 'period of commitment'. This would have recreated many of the problems associated with the current system of ASTs, which can lock tenants into unsafe properties. We are pleased to see this 'period of commitment' is not included in the new Bill.

3.3 Possession grounds

The Renters' Rights Bill proposes that Section 8 grounds for eviction will be the main vehicle for landlords seeking possession, including new

'no-fault' grounds for possession like proposed ground 1 (moving a family member into the property) and proposed ground 1A (landlord wishes to sell the property).

We were clear that the previous government's proposed possession regime would have seen some landlords using the new grounds in much the same way as Section 21. The Renters (Reform) Bill did not provide the necessary safeguards to prevent the new grounds from being abused, and failed to recognise the damaging nature of evictions and the impact they can have on renters' wellbeing. The system of tenancy security proposed then would have retained many of the worst aspects of the current system, preserving the imbalance at its heart.

We welcome the improvements to the possession regime that this government is proposing through the Renters' Rights Bill. Nevertheless, we are proposing a set of recommendations that we believe would more completely deliver on this government's aim "to level decisively the playing field between landlord and tenant by providing renters with greater security, rights and protections."⁴

3.4 Notice periods

We were deeply concerned that the Renters (Reform) Bill only had a notice period of two months for many of the possession grounds proposed, offering no improvement on the notice given when a Section 21 is served at present.

Only having two months to find a new property when tenants are evicted through a Section 21 notice is a big part of the reason why the current system is a leading cause of homelessness. Simply put, renters need more time to find a new home that suits their needs.

4. https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The_King_s_Speech_2024_background_briefing_notes.pdf (p.68)

We welcome that the government has increased notice periods to four months for no-fault evictions. However, we recommend that the government increase the notice periods for any new no-fault possession grounds to six months. This would provide an additional sense of security to tenants when they are living in a rented home, and will be more likely to provide them with enough time to find a new home that suits their needs and, if they want, in a similar area to the home they are being evicted from. This is particularly important for families where proximity to a local school is important.

Our call for six months' notice reflects a number of factors, including the worsening state of local authority finances and the costs of temporary accommodation,⁵ a desire to see policy consistent across the UK (with Wales having a six-month notice period for no-fault evictions),⁶ and a belief that the additional notice period time will make a significant difference to many of the renters we represent. It will give them more time to find a new place that suits their needs, lessen the trauma of a no-fault eviction, and better enable them to seek advice and try to find legal aid if appropriate.

In addition, in giving tenant's longer notice the Government has set out that they believe this will give tenants longer to find a new home which suits their needs. However, the impact of this will be blunted if tenants are still required to give 2 months notice within that time. Given the vast majority of new rental listings have proposed start date less than two months after they are advertised, this will in practice mean will not be able to look until the final weeks unless they are able to risk the costs of double rent, which many of the most vulnerable renters will not in a position to do. We recommend that when served with a possession notice under the new no-fault grounds, a tenant should be able to give one month's notice that they wish to leave and end the tenancy before the expiration of the notice period. This will allow tenants to meaningfully look for a new home for the full 4 month notice period if required.

3.5 Protected period

One of the central problems of the current system is that tenants do not have enough security in their homes. Shelter research from 2022 found a quarter of all private renters had had three or more privately rented homes in the previous five years.⁷ This instability prevents renter households from establishing roots in their local communities and erodes their sense of belonging and puts them at risk of homelessness.

The proposal in the Renters (Reform) Bill, that tenants could continue to be vulnerable to a no-fault eviction just six months after starting a tenancy was wrong. We are pleased that the Renters' Rights Bill extends this period to 12 months. However, we remain concerned that this does not offer renters enough security. In most cases, the landlord should have been able to foresee circumstances – either selling a property or moving family in – before the start of the tenancy. We therefore urge the government to ensure that renters are protected from eviction through the new no-fault grounds for the first two years of a tenancy.

3.6 Discretionary eviction grounds

The Renters' Rights Bill will introduce some new mandatory eviction grounds. Mandatory grounds prevent the Court from taking tenants' circumstances into account and proposing alternative courses of action to a damaging eviction. It's not difficult to imagine situations where there may be compelling reasons for refusing immediate possession: the tenant or a member of their family has a serious terminal illness and a very limited life expectancy, or the tenant or a member of his or her family has a severe disability which means that the tenant will need a longer period in which to find alternative accommodation.

Discretionary grounds also offer an additional protection for tenants, as they prevent abuse of possession grounds before an eviction takes place.

5. <https://www.insidehousing.co.uk/news/monthly-spending-on-temporary-accommodation-reached-90m-in-london-last-year-85397>

6. <https://www.gov.wales/tenants-housing-law-has-changed-renting-homes>

7. https://england.shelter.org.uk/media/press_release/every_seven_minutes_a_private_renter_is_served_a_no-fault_eviction#:~:text=Shelter%20is%20urging%20the%20government,in%20the%20last%20five%20years

8. <https://www.gov.scot/publications/private-residential-tenancy-statutory-terms-supporting-notes-2/pages/4/>

Many other protections simply seek recourse after the fact. Courts should also be able to award suspended or postponed possession orders where they may be good reason to avert or postpone an eviction.

Similar reforms in Scotland made grounds for possession discretionary.⁸ There is little evidence that reforms in Scotland have significantly worsened backlogs in the courts.

The lack of discretion is one of the most significant shortcomings of the Renters' Rights Bill proposals. We would like to see judges offered maximum discretion in possession proceedings. We recommend the government makes all possession grounds discretionary.

3.7 Preventing abuse of grounds – no let period

We have concerns that the new grounds for eviction proposed in the Renters' Rights Bill – particularly Grounds 1 and 1A – will be abused by unscrupulous landlords, retaining in practice the same problems that plague tenants under the current system. Without effective enforcement, renters will continue to fear retaliatory evictions. They will not feel empowered to stand up to their landlord to demand improvements to the condition of their home or to challenge unfair rent increases, severely undermining any attempt to address the imbalance between renters and landlords.

To prevent abuse of the new no-fault grounds, the Renters' Rights Bill includes a twelve-month ban on re-letting a property after a landlord has invoked one of the new no-fault grounds. We welcome this change from the previous government's Renters (Reform) Bill which proposed an insufficient three months.

3.8 Preventing abuse of grounds – evidence

It is critical that the burden of proof when invoking any new no-fault possession grounds should fall on

landlords to provide unequivocal evidence of their intent in each circumstance, as the vast majority of tenants are not well-placed to prevent abuse of possession grounds themselves. We believe the Court should require certain evidence from landlords who seek possession using new no-fault eviction grounds both pre- and post-eviction. In the case of a landlord wishing to move themselves or their family into the property, this government should require that both the landlord and, if applicable, the family member they intend to move in, provide a sworn statement to the Court. In addition, after using this ground the landlord should be required to provide another statement to the court 16 weeks after possession was granted. In this statement, a landlord would state that they have used the ground as intended, or be required to justify that they had changed their intentions and why. If a landlord lies to the court they would be open to litigation and may be liable to pay damages to the tenant under Section 12 of the Housing Act 1988.

In Scottish Law, in the case of a ground for a landlord whose intention is to sell, a landlord's stated intention is not sufficient. There must be some objective evidence that an agent has been instructed, or the appropriate documentation for marketing drawn up. And despite this higher threshold for using this eviction ground in Scotland, research from Indigo House has estimated that in a significant minority of cases – around 1 in 5 – this ground may have been misused, with properties still registered on the Landlord Registration Database⁹ after the sales ground has been used.

Ground 1A in the Renters' Rights Bill ought to contain similar provisions on the face of the legislation. As above, when using this ground, a landlord should be required to provide another statement to the court 16 weeks after possession was granted.

The government have said "Courts are best placed to interpret the available evidence depending on the facts of the case, and we do not wish to

9. There may be a lag on properties being taken off the Database.

restrict this role in legislation” – instead providing guidance for landlords on what evidence they can use to support their claim. Our preference is to see the evidential threshold written into the legislation.

3.9 Preventing abuse of grounds – enforcement

Enforcement to counter potential abuse is also critical. After an eviction takes place, either following notice or due to a possession order, the previous government set out two avenues for enforcement: local authority enforcement action; and redress through their proposed PRS Ombudsman.

As above, in the first instance the burden of proof should be on the landlord. But with the patchy nature of local authority enforcement (more on this in Chapter 4), it is important that there is an avenue through which tenants themselves may seek compensation for abuse of possession grounds.

We welcome that the government has included provisions to allow a tenant to pursue a Rent Repayment Order – a clear legal mechanism for compensation based on provisions in existing law. This will help tenants enforce their rights and provide an important disincentive for landlords considering abusing new possession grounds. However, the government must ensure there is a separate mechanism for tenants in receipt of housing benefit to claim compensation.

We welcome the fact that for most possession grounds membership of the database will be required to claim possession. We believe the government should go further and require that possession notices should be logged on the Private Rented Sector Database. This would enable local authorities and tenants themselves to clearly identify where there has been a breach of the ground. This mechanism could also carry across some of the protections against Section 21 eviction, such as the requirement to have an Energy Performance Certificate and a Gas Safety Certificate (more on this in Chapter 4).

3.10 No-fault eviction compensation

An unwanted move costs a typical two-adult tenant household £1709.¹⁰ If households are evicted through any proposed new no-fault ground, this cost creates additional stress and hardship at an already difficult time. We believe it is fair that a landlord who deprives their tenant of a home in order to sell, refurbish or move in themselves, should mitigate this harm.

We believe the Renters' Rights Bill should contain provisions to compensate tenants for the financial burden of an eviction which was no fault of their own. This compensation could be made through the non-payment of at least the last two months of rent where a tenant is being evicted under any proposed new no-fault grounds. In cases where the landlord is receiving rent directly from the Department for Work and Pensions, this compensation should be paid back to the tenant.

A key advantage of this is that a renter will be better able to save for the deposit of a new tenancy during their notice period from a no-fault eviction, reducing the risk of homelessness. It will support the government's intentions behind increased notice periods – these will be undermined if most tenants cannot afford to pay double rent for much or any of the four month notice period.

In addition, adding a disincentive will encourage landlords to only use these possession grounds where absolutely necessary, and in the case of Ground 1A, encourage landlords to seek to sell with sitting tenants. Selling with vacant possession should not be the default option, and no-fault eviction compensation is an important lever to encourage selling with sitting tenants.

3.11 Tenants' 'right of first refusal'

Where a landlord uses Ground 1A, they should be required to offer the tenant a 'right of first refusal' to buy the property. We believe this could support the government's stated aim to increase home ownership.

¹⁰ https://www.generationrent.org/2021/08/31/unwanted_moves_costing_renters_229m_per_year/

This could be done by stipulating in legislation that Ground 1A should give the tenant the right of first refusal to buy the landlord's interest in the property currently let to them (leasehold or freehold). One of the conditions to be made out before a Court can make a possession order would then be that the landlord had served on the tenant a notice, setting out his or her intention to sell and the terms (including sale price) and that the tenant had either refused the offer or had failed to respond within a specified period.

The vast majority of tenants are not in a position to buy their home, but where they are, this amendment may avoid an unnecessary and damaging eviction.

In addition, the legislation should allow for the tenant to nominate a purchaser, which would give the tenant the opportunity to nominate a relative or friend to buy the property, or a community land trust, housing cooperative (or other community-led housing initiative), as well as the local authority – any of these who may be in a position to step in and buy the property to avoid a damaging eviction.

3.12 Rent increases and economic evictions

The government's intention to improve security for tenants will be undermined by the fact the Renters' Rights Bill does not prevent unaffordable rent increases being default eviction notices – or 'economic evictions'. If a tenant cannot afford a proposed rent increase, they would have no choice but to leave their home.

Fear of this happening would perpetuate issues currently associated with Section 21, including renters not feeling confident to make complaints about conditions, undermining efforts to address the imbalance of power between tenants and landlords.

This government has set out that they intend to "use the Renters' Rights Bill to provide tenants with greater protections against unreasonable within-

tenancy rent increases" and "empower tenants to challenge rent increases designed to force them out by the backdoor".

Before the General Election, Labour set out more detail on their proposed plans for rent increases. Then Leader of the Opposition Sir Keir Starmer wrote during the campaign: "we'll put power back in tenants' hands so that they can challenge unreasonable rent hikes. We'll let tenants recover costs in courts when their landlord increases their rent without issuing an official notice. We'll also give tenants a minimum of two months to terminate their contract in cases when a landlord increases rent disproportionately. And we'll go further to ensure that tenants who take an unfair rent rise to court won't see the increase after the court has ruled."

We welcome that the rent tribunal will no longer be able to make a determination higher than that which was initially requested, but we are still concerned that the proposals in the Renters' Rights Bill to deal with unaffordable rent increases will not provide tenants with adequate protection against no-fault evictions by the backdoor. This is because rent tribunal adjudications are tied to market rents, meaning an increase is permissible if the final rent is comparable to market rents in the local area, as defined by the rent agreed on new tenancies, which are higher than overall rent levels. In a lot of cases, this will still allow large rent increases. With around half of renters having no savings, it is not hard to see how this would particularly impact renters on lower incomes, for whom market rents may already be unaffordable.¹¹ A tribunal process also shifts the onus to the tenant, who in most cases are not well placed to submit a formal legal challenge or are aware of their right to challenge a rent increase.

In Scotland, rent adjudications have been used in a very small number of cases. Analysis of all cases raised since 2017 shows that a total of just 227 were raised. In more than 2/3 of cases, rents were adjudicated to a lower rate than that which was initially proposed by the landlord.¹²

11. https://england.shelter.org.uk/media/press_release/half_of_working_renters_only_one_pay_cheque_away_from_losing_their_home

12. <https://rentbetter.indigohousegroup.com/wp-content/uploads/sites/3/2022/05/Wave3-FINAL-Main-Report-AE090924-publication.pdf> (p44/5)

This suggests that, while the majority of adjudications do find that rent increases have been too high, the adjudication process is not one which renters feel particularly empowered to use.

The Renters' Rights Bill should prevent landlords retaining the power to carry out no-fault evictions via unaffordable rent hikes, by limiting rent increases within tenancies to the lowest of either inflation (CPI), or median income growth, averaged over the last 3 years.

13.13 Illegal evictions

Illegal eviction is a crime. Yet across the country, a section of private landlords evade the courts and attempt to evict tenants themselves, taking action including changing locks, disposing of belongings, cutting off electricity and water supplies or harassing tenants. There is a real risk that, if the mechanisms for legitimate possession are tightened, more landlords will resort to these tactics.

Many illegal evictions take place in what has been termed the 'shadow' market, where landlords and letting agents deliberately breach the law to maximise rental profit. Many renters in the shadow market are on low incomes, in marginal employment, and unfamiliar with their rights. Police officers attending illegal evictions are too often unaware of their powers to stop an illegal eviction, take the landlord's side, or dismiss an illegal eviction as a 'civil matter'. In 2019, there were just 30 prosecutions for Protection from Eviction Act 1977 (PFEA) offences in the whole of England and Wales. Such a low prosecution rate allows criminal

landlords to act with impunity. When sentencing, magistrates are very lenient: fines of less than £1,000, community service and conditional discharge are common penalties.

We are calling on the government to crack down on the scourge of illegal evictions, both by making convictions easier to pursue and by ensuring civil penalty notices are high enough to act as a meaningful deterrent. We recommend the following steps:

1. **Amending the PFEA** to simplify definitions and make it easier for local authorities to pursue prosecutions, without needing to raise complex Land Law arguments.
 - Expand the lower mens rea standard to everyone, including non-landlords, for the 'harassment' offence (currently s1(3)). This would mean evidencing that behaviour was 'likely to cause someone to leave' rather than that behaviour was actually intended to 'force' a tenant to leave.
 - Introduce a rebuttable presumption that the person to whom the tenant pays their rent is the landlord for the purposes of prosecution.
2. **Increase the maximum fine for civil penalty notices** for breaches of the PFEA to £60,000. Fines are currently too low to create a genuine deterrent effect.
3. **Lessen the standard of proof for Rent Repayment Orders** in the Housing and Planning Act 2016, pursued on the basis of a PFEA or Protection from Harassment Act (1997) offence, to a civil standard instead of a criminal standard.

Liam (North London):

When some new expensive luxury flats were put on the market in my neighbourhood, my landlord told me that he was increasing the rent by £645 per month to match the price of the new flats even though our flat wasn't anywhere as nice as those luxury ones.

This was a 55% increase. Me and my partner had no choice but to move out and it caused months of stress and anxiety and had a big impact on our mental health.

4. **Direct and train police forces** to act in ways that are consistent with renters' rights and make better use of their existing powers to prevent illegal evictions, and introduce a duty to refer reported illegal evictions to local authorities and cooperate with their investigations and prosecutions.
5. **Introduce a new statutory duty** on local authorities to investigate and where possible prosecute cases of illegal eviction and harassment.

3.14 Ground 6A

The Renters' Rights Bill provides for a new ground so that the court is required to award possession if the landlord seeking possession needs to end a tenancy because relevant enforcement action has been taken against the landlord and it would be unlawful for them to maintain the tenancy.

We are very concerned about Ground 6A – it penalises the tenant for the landlord's poor behaviour. Moreover, the government's enforcement regime is partly predicated on a productive working relationship between tenants and local authority. Ground 6A provides a disincentive for tenants to cooperate with a local authority pursuing enforcement action against their landlord, for fear it might lead to them being evicted.

We believe there are number of options available to reduce the harms resulting from Ground 6A, including making the ground discretionary. We would welcome engagement from the government on this.

3.15 Repeated rent arrears

The previous government proposed an eviction ground for repeated serious rent arrears. Under their proposals, a court would be required to award possession if, over a period of three years: a) where rent is payable monthly, at least two months' rent was unpaid for at least a day on three

separate occasions, b) where rent is payable for a period shorter than a month, at least eight weeks' rent was unpaid for at least a day on at least three separate occasions.

We believed this was a draconian provision that was due to lead to unfair evictions, including of people in vulnerable situations. It would have affected many tenants who, generally, paid their rent without difficulty. Between isolated periods of arrears, a tenant could be fully up to date with their rent and may have very quickly made up the arrears in full. The eviction ground did not take account of reasons why a tenant might face delays in receiving a lump sum, accrue eight weeks' arrears or more and then be able to pay the arrears back in full – including students, those awaiting lump sum loan payments, those changing employment and the self-employed. We welcome that this government's Renters' Right Bill does away with this eviction ground altogether.

3.16 Anti-social behaviour

The previous government's Bill proposed to amend Ground 14 of the Housing Act 1988 – which provides landlords with a mechanism to gain possession on the basis of a tenant's antisocial behaviour (ASB) – so that it no longer references conduct 'likely to cause nuisance or annoyance' and now references behaviour 'capable of causing nuisance or annoyance'.

We opposed this change and welcome that the current government's Bill keeps the definition as it is. We agreed with the Domestic Abuse Housing Alliance (DAHA) –led National Housing & Domestic Abuse Policy & Practice Group who were concerned that this definition could easily include victims of domestic abuse, whose experiences can result in 'nuisance and annoyance' to neighbours, housemates, and the landlord, yet is not, and should not be considered ASB. We encourage the government to continue listening to groups such as DAHA to make sure all new legislation protects those in vulnerable situations.



4. Affordability

Everyone should be able to live in a home which allows them to flourish, and not require them to spend huge amounts of their income on housing costs.

The government has recognised that we are “in the middle of the most acute housing crisis in living memory”.

The affordability crisis in private renting is well-documented, but it’s worth spelling it out so there are no doubts about the scale and the urgent nature of the problem.

Private renters have the highest weekly housing costs of any tenure. On average, private renters spend 32% of their income on rent, compared with 26% for social renters and 18% for mortgagors.¹³ And the crisis in affordability hits the poorest hardest: research from Shelter shows that a third of private tenants now spend at least half of their monthly household income on rent.¹⁴ With rents swallowing up huge chunks of incomes, it is much harder for private tenants to save, afford essentials, and thrive in their communities.

The government to date has emphasised housebuilding when outlining their plans to tackle the affordability crisis. The Deputy Prime Minister has set out: “reforms to fix the foundations of our housing and planning system, taking the tough choices needed to improve affordability,

turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.”

But, even in the most optimistic of scenarios, housebuilding is unlikely to be a silver bullet. It will take years, perhaps decades, before the impact of housebuilding meaningfully brings down the cost of housing, particularly for those on the lowest incomes. Those at the sharp end of the affordability crisis cannot afford to wait: urgent solutions to control costs are needed immediately. The lack of affordability in the private rented sector, combined with other pressures from the current high cost of living, will stand in the way of the government’s mission to increase the number of first-time buyers, unless action is taken to decrease housing costs and increase the amount renters can save. Failing to tackle the affordability of renting will also hold back the government in its efforts to reduce child poverty.

The lack of affordability is an issue that unites all the renters we work with and represent, and it is desperately in need of government action. The government must act to bring rents down so that everyone has a home they can afford to rent, where they can live and flourish.

While the proposed Renters’ Rights Bill has the potential to be a critical first step in improving security of tenure and driving up standards for

¹³. <https://www.gov.uk/government/statistics/chapters-for-english-housing-survey-2022-to-2023-headline-report/chapter-2-housing-costs-and-affordability>

¹⁴. https://england.shelter.org.uk/media/press_release/tenants_spending_almost_half_a_billion_pounds_more_on_rent_per_month_than_last_year



renters, it does not address the vital issue of affordability in any meaningful way.

There will be no silver bullet to addressing affordability in private renting, and action will need to be taken on multiple fronts. We therefore make the following recommendations to government:

- The government should establish a National Rental Affordability Commission to investigate effective methods to make the private rented sector affordable. This should include investigation of rent control measures aimed at bringing rents down relative to incomes. The Commission should take evidence from renters with lived experience of the rental affordability crisis.
- Alongside growth of the overall housing supply, the government must commit to an ambitious expansion of social housing to increase the supply of secure and affordable social housing. We echo the calls of other housing campaigners for the government to set an ambitious annual target for social home building for the next decade. This should be supported by ring-fenced capital investment, alongside encouraging and resourcing councils to do council housing acquisitions from the PRS which would help tackle the difficulties of land acquisition and developer negotiations.
- Introduce rent stabilisation. We have recommended that the government cap rent increases within tenancies at the lowest of either wage growth or inflation. This measure would primarily be aimed at improving security of tenure, to prevent unaffordable rent increases being de-facto no-fault evictions. It will have the important effect of keeping more tenants in their homes for longer and improve affordability over time for those tenants. Alongside this, further measures are needed to bring down rents relative to incomes over time.
- The 'digital Private Rented Sector Database' promised as part of the Renters' Rights Bill must include rent data to allow tenants to understand how their rents compare with similar properties in local areas, and allow the government to make more informed decisions about rental policy.
- The government should make better use of the benefits system to improve affordability for those on the lowest incomes now. This should include unfreezing Local Housing Allowance so it keeps in line with at least the bottom 30% of local rents, and scrapping the cruel household benefit cap.

5. Standards enforcement and licensing

Everyone should have the right to live in a home that contributes to their wellbeing, rather than one that damages their health.

5.1 Private Rented Sector Database

The previous government set out that 'continuing and repeat breaches offences' related to the Property Portal would open the landlord up to potential Rent Repayment Orders (RROs). This government's Renters' Rights Bill takes the same approach. We would support making simple failure to register an RRO offence as a way to force compliance. Without strong penalties for non-compliance, it will be difficult to drive take up.

The key to the success of the Private Rented Sector Database in driving up standards and accountability will be the level of information landlords are required to provide. This information should include:

- Requiring all landlords and their managing agents to publish their contact and address details, and details of each of their properties.
- Details of past enforcement action against landlords and agents, as well as Rent Repayment Orders and banning orders.
- Requiring eviction notices (and therefore the use of eviction grounds) to be registered, enabling easier identification of instances where there may have been abuse of the grounds.
- Requiring basic safety information, including a gas safety certificate, Electrical Installation Condition Report (EICR) and proof of smoke and carbon monoxide alarms, and be joined up with the government's register of Energy Performance Certificates (EPCs).
- Requiring information about the accessibility features of the property.
- Requiring landlords and housing management

agents to provide up-to-date information about the rents they charge for properties. This data would provide valuable insight into the affordability crisis in renting and help local authorities target their resources to areas most in need.

We support that the Renters' Rights Bill mandates membership of the database in order to serve a valid eviction notice in most instances. We believe the government should go further: if membership of the Private Rented Sector Database requires this information, and tenants are required to submit eviction notices on the database, it could be made a condition of a valid eviction notice that the landlord has provided the basic information currently required to serve a Section 21 notice according to the Deregulation Act 2015.

The government has set out that "tenants will be able to access information to inform choices when entering new tenancies." It is critical that all the information set out above is available for tenants to access so they can make informed decisions about their home and tenancy. It will also be important that the government ensure that people who don't have digital access and/or digital literacy can access the database in some way.

5.2 Local authority enforcement

The Private Rented Sector Database must provide key information to enable local authorities to undertake targeted enforcement work to bring up standards for renters.

But local authorities in recent years have been operating in an incredibly strained financial environment, and this has hugely impacted their ability to take enforcement action. Research commissioned by the Department for Levelling Up, Housing and Communities in 2022 showed that, while local authority enforcement measures are valuable tools for tackling poor conditions in the private rented sector, local authorities still face

Jas*:

My husband and I are moving from one nightmare house to another with our two children. They always look fine in the viewing, the problems start once you move in. In our last house, we complained to our landlord after a flood from a leak in the roof which was so bad we had to get up in the night to replace the buckets collecting water. It took weeks to fix. After waiting six months for the landlord to replace the water damaged sofa, we replaced it ourselves. Next thing we knew we were served a Section 21 eviction notice and the landlord called the police, accusing us of theft of the sofa and fraud saying we had edited the emails to fit our own narrative. The whole situation made me so ill we just left. I couldn't face fighting my case.

We have just moved house again and discovered subsidence at the property that we weren't told about prior. The back door is nailed shut and doesn't meet the door frame so wind and rain can get through, there is a drain issue, the shower doesn't work, we think the beam holding the house up is slowly moving. The whole house smells of damp when it rains and it is freezing cold. So we are again in a position where rather than repairing the property, the landlord has point blank refused to repair anything and wants us to leave.

*name changed

significant barriers. The result is a patchwork of enforcement whereby standards hugely depend on the financial position and political will of local authorities. Where enforcement capacity is low, local authorities can be limited to 'firefighting' only the most serious breaches.¹⁵

Tenants need to be able to rely on their local authority to respond to requests for support and to take enforcement action against landlords who break the rules. There needs to be an increase in local authority enforcement so that landlords know that it is more expensive to break the rules than to follow them, and there is a deterrent against breaking the law. Local authority enforcement should be carried out responsibly and seek to avoid and mitigate any negative impacts on renters.

Central government has a responsibility to make clear to councils what their responsibilities are and to support and enable them to meet them. This should include better resourcing, funding for training of environmental health officers, making it easier for councils to introduce licensing and consolidation of legislation. We welcome the

Renters' Rights Bill introducing a duty on local authorities to report on enforcement activity.

A contribution from administration fees for the new ombudsman and Private Rented Sector Database should be made towards local authority enforcement on a per-property basis.

In addition, we are recommending a series of measures we think will drive improvements in standards for renters.

5.3 Selective licensing

We are clear that the proposed Private Rented Sector Database must not replace landlord selective licensing; rather it should support and complement selective licensing by making it easier for local authorities to identify landlords in their area.

Selective licensing remains a key lever for improving standards, and a critical funding stream for enforcement action, but the government could take some simple steps to make it easier for local authorities to use licensing schemes to

15. <https://www.gov.uk/government/publications/local-authority-enforcement-in-the-private-rented-sector-headline-report/local-authority-enforcement-in-the-private-rented-sector-headline-report>

improve housing standards by:

- enabling local authorities operating selective licensing schemes to use licence conditions to improve housing conditions;
- increasing the maximum duration of discretionary licensing schemes from five to ten years;
- removing the Secretary of State's ability to veto selective licensing schemes covering more than 20% of the local authority area.
- removing the need to prove that an area a council wants to license has a high proportion of privately rented homes

In the longer term, the government should look to establish a universal licensing scheme covering the whole of England.

5.4 Short-term lets

It is essential that, at a minimum, any registration scheme for short-term lets is integrated with the Private Rented Sector Database to help tenants understand the rights they are entitled to, and so local authorities can take effective action against criminal landlords.

We would recommend policies that involve an active disincentive for homes to be in the holiday let sector, thereby driving homes back to the private rented sector where they can support the needs of people in their local communities. We believe these powers should be devolved to local authorities and could include licensing schemes, higher rates of council tax for second homes and short-term lets, or specific tourism taxes.

5.5 Other tenures

With the governments intention to drive up standards as part of the Renters' Rights Bill, including through the Decent Homes Standard, which we welcome, it is critical that these measures do not unintentionally promote tenures flight to Temporary Accommodation and Home Office accommodation.

We believe that Temporary Accommodation and Home Office accommodation ought to also be registered on the database, and should also be subject to the decent homes standard. Otherwise, we fear landlords with homes with the worst standards will merely leave and provide poor quality housing in other tenure.

5.6 'Awaab's law' for the private rented sector and right to a 'mediated rent pause'

The government has set out that the Renters' Rights Bill will "[apply] 'Awaab's Law' to the sector, setting clear legal expectations about the time frames within which landlords in the private rented sector must make homes safe where they contain serious hazards."¹⁶

We support the principle that private renters should not enjoy fewer rights than social tenants as they relate to timelines for making homes safe where they contain serious hazards. The most serious health and safety risks – category one hazards – are most prevalent in the private rented sector, with 12% of PRS homes having such a hazard. This is compared to 9% of owner occupied homes and 4% of social rented homes.¹⁷

However, we have concerns that the backstop for redress where a landlord refuses to carry out essential repairs is for the tenant to pursue a breach of contract against the landlord. This would entail lengthy court proceedings (and associated delay) in the County Court, with associated costs including an issue fee, a report from an expert surveyor who is HHSRS qualified and legal representation assuming legal aid is unavailable.

We are concerned the costs would be disproportionate and might exceed the cost of the relevant works, making this action unaffordable for lower income tenants.

In lieu, we propose a new right to a mediated rent pause if a landlord refuses to carry out essential repairs within a defined timeline. Renters should not have to pay (in many cases extortionate) rent to live in an unsafe home on an ongoing basis, and the withholding of rent can be an effective form of leverage when dealing with recalcitrant landlords.

16. <https://www.gov.uk/government/publications/guide-to-the-renters-rights-bill/82ffc7fb-64b0-4af5-a72e-c24701a5f12a#tenancy-reform>

17. <https://www.gov.uk/government/statistics/chapters-for-english-housing-survey-2022-to-2023-headline-report/chapter-4-dwelling-condition>

We recommend that a tenant be able to begin a mediated rent pause once a landlord has failed to comply with their obligations within the set timelines. Tenants could pay their rent to a neutral third party, such as the private rented sector ombudsman proposed in the Renters' Rights Bill, which would refund the tenant if the landlord could not prove that the repairs had been made in the required timeline. This would give landlords confidence that the rent was available upon completion of the works, and would not be spent by the tenant in the interim. Where the costs of the repairs are smaller and the household can cover the costs themselves, they could be permitted to cover the cost of repairs, and to deduct this cost from their rent. The government could also consider landlord deposits, whereby costs for small works could be taken from a landlord deposit after being adjudicated by a neutral third party.

If this new legal right was to have success in driving up standards, it would be critical that there is clear guidance so tenants know exactly under what circumstances pausing rent would be legally protected, and clear thresholds for the evidence required to invoke this right. The system would only work if tenants are confident that paused rent would not be deemed rent arrears.

We would recommend that the government consult on all these issues as part of its consultation on Awaab's law for the private rented sector.

5.7 Energy efficiency

We support the government's efforts to ensure that all privately rented homes meet EPC C by 2030

through the Minimum Energy Efficiency Standards (MEES).

The Renters' Rights Bill ought to be a vehicle for both improving energy efficiency standards and protecting renters from negative consequences from the drive to improve energy efficiency.

To support this, as above, EPC information should be available on the Private Rented Sector Database to be delivered by the Renters' Rights Bill, and failure to comply with this or MEES should incur a Rent Repayment Order from the landlord to the tenant. The government must also simultaneously ensure it is monitoring and enforcing against EPC fraud.

If the Bill is watertight, no one should receive an eviction or an unfair rent hike following energy efficiency improvements, but there is a case for extra protections where public money has been involved. Although many government grants aimed at fuel poor households are available, for example the Energy Company Obligation (ECO), renters are put off from applying for them because they fear that they will be evicted or have their rent increased once the works are done, as there is nothing stopping the landlord from capturing the value of the grant. The previous government's Renters (Reform) Bill did not address this.

In order to counter this possibility, we recommend that when ECO and other means-tested grants are used to retrofit private rented homes, renters are protected from eviction under the no-fault grounds for a period following the works. RRC member Generation Rent estimates six years to be the time it would take for the average grant to translate into a private tenant's energy bill savings.¹⁸

Geoff:

"My wife and I are currently experiencing a landlord who doesn't do repairs or maintenance to the levels you would expect yet has just asked us for a £125 per month increase. We have enquired to letting agents in the past and been told 'how much we have to earn' to get a property through them. I am 67, my wife is 64. I am on State Pension, she on work-related Employment and Support Allowance, and we both get PIP because of disabilities. We have no chance. We recently lost out on a new social housing site as the property we thought we were in line for was given to someone else and there is now no other availability. I was told two years ago by a staff member of Cornwall Housing 'we have 23000 on our waiting list – what makes you important?'"

18. <https://www.generationrent.org/2023/08/03/fuel-poor-private-renters-miss-out-on-home-insulation-grants/>

6. Access to rented housing

The private rented sector should be free from all discrimination and all renters should have equal rights when it comes to finding a home.

6.1 Discrimination against benefits recipients and families

The Renters' Rights Bill, as introduced, will prohibit letting agents from preventing people from enquiring, requesting information, viewing or securing a tenancy because they have children or are in receipt of benefits. It would give local authorities the power to impose a financial penalty of up to £7,000 for a breach of the requirement.

The legislation will also ensure that discriminatory terms in tenancy agreements will be "of no effect", meaning landlords cannot prohibit tenants from having children live with or visit them. The terms of superior leases, mortgages and insurance contracts that prohibit landlords from letting to households with children or claiming benefits would also be of no effect, meaning landlords could not rely on such terms as a defence for discrimination.

In setting out its rationale for these changes, the government has argued they will "[make] it illegal for landlords to discriminate against tenants in

receipt of benefits or with children when choosing to let their property – so no family is discriminated against and denied a home when they need it."¹⁹

We welcome the commitment for plans to prohibit blanket bans on renting to families and those in receipt of benefits, but are concerned that proving overt discriminatory intent may continue to be prohibitively difficult. We recommend the government produce clear guidance for investigating cases of discrimination.

The government should also legislate to curtail the use of practices that have discriminatory impacts, whether or not there is intention with regards to children or benefits status, such as onerous affordability assessments, rent in advance and guarantor requests (see more below). We are disappointed that the Renters' Rights Bill does include provisions in these areas.

We do not believe that £7k fines are enough of a disincentive to stop discriminatory behaviour, especially when discrimination will remain very difficult to prove. Nor is it a significant enough punishment for what is a very serious offence. Further, it is likely that enforcement of the discrimination clauses will be reliant on renter-led enforcement whilst providing little incentive for said tenant or prospective tenant to pursue redress. The government should

Lucy*:

...found the process of finding a flat to rent very difficult. She is self-employed and has a disability, and is in receipt of Universal Credit and Personal Independence Payment. She told us that during her search she applied for 'at least 20 flats' and was rejected due to her low income. After initially being chosen by the landlord of her current flat as a suitable tenant, she was turned down after being questioned about her income. Lucy* managed to provide the landlord with a guarantor who earned over £80,000 a year, but the landlord still would not accept her. Eventually she was told that if she could offer six months rent in advance, she could take over the tenancy. Lucy* described the experience as "incredibly stressful because I felt like if I couldn't find somewhere to live, I would have to give up my business and everything I'd worked so hard for...it was just terrifying really."

*name changed

19. <https://www.gov.uk/government/news/how-were-protecting-renters>

ensure that tenants can be, as in Equality Act cases, awarded compensation where they have faced discrimination. This could be achieved by requiring local authorities to apportion some amount of the fine collected as compensation.

6.2 Rent in advance

When the rules around blanket bans are clarified, letting agents and landlords will continue to be able to use other, more aggressive, strategies to exclude certain tenant groups from renting from them. One such strategy is to demand extortionate levels of rent in advance, on top of a deposit. This makes private renting inaccessible to households on low incomes, and locks significant numbers of people out of housing they could otherwise afford.

We urge the government to go further in their proposals to protect private renters against discrimination, and impose a limit of one month on the amount of rent in advance a landlord can legitimately request.

Moreover, without protections here there is a risk that the amount of rent paid in advance will become just another means by which landlords and letting agents induce bidding wars.

6.3 Guarantors

Another strategy landlords will employ with discriminatory effects is to demand the appointment of a guarantor, often a high-earning or a home-owning person, who will be responsible for the rent should a tenant fail to pay. Depending on the agreement, a guarantor could be liable for all unpaid rent for the duration of a tenancy, including the total rent due if the tenancy is joint, even if the other joint tenant is not connected to them.

We urge the government to go further in their proposals to protect private renters against discrimination, and impose restrictions upon the scenarios in which a landlord can legitimately request a guarantor. We believe a tenant should not be asked to appoint a guarantor:

- where a tenant's income (inclusive of any benefits they receive) is sufficient to cover the full rent, or
- where a landlord has obtained insurance covering any non-payment of rent, or
- where a tenant has obtained insurance covering any non-payment of rent

In addition, where these criteria have not been met and a landlord or managing agent can

Ellie*:

...is a single parent and self-employed, and receives Universal Credit to top up her income. When she moved into her current property, she was asked to pay six months rent upfront and to provide a guarantor who earned over £45,000 a year because of her low income. Ellie* told us "I think unfortunately if you receive any sort of Universal Credit, which I do, and especially if you're self-employed, it's kind of a given that you're going to need a guarantor in my experience". Ellie's* mum had to pay the six months of upfront rent and Ellie* is paying her back monthly. Requiring both a guarantor earning over a certain amount of income and significant rent upfront as in many cases like Ellie's*, limits access to the private rental market for those on a low income or in receipt of UC. Ellie* told us "I think for people that don't have the financial backing, it must be...really scary".

*name changed

Laura*:

"I am from Bristol, in my mid 30s and cannot afford to rent so I am living with my parents. However, I need to move out as we need to turn my bedroom into a bedroom for a live-in carer for my Dad as his illness is getting worse, yet I can't afford anywhere.

Due to my disability I need an accessible room, yet every time I have gone to a viewing I have been priced out by bidding wars and requests for rent up front. The best offer for a room meeting my access needs was £4,000 PCM – completely unaffordable on my salary due to out-of-control bids. I approached the council but have had a nightmare, with the housing officers losing my information and being impossible to contact. Despite my family's circumstances, I have been categorised as 'adequately housed' so am low priority for social housing.

Due to my disability, I will soon be forced to move out as my parents' home will be inaccessible when I need a wheelchair, I really wanted a home of my own before it got to this. What really makes me angry is that despite working, I cannot afford to live in a decent place and be independent in the city I grew up in. Unfortunately, through my work supporting people with disabilities, I know situations like mine are all too common."

*name changed

legitimately request a guarantor, the government should restrict the amount that can be guaranteed to six months' rent to improve a tenant's chances of appointing a suitable candidate.

In addition, there should be a restriction so that a guarantor does not have to pay for default of other tenants in a house of multiple occupation as jointly and severally liable with other guarantors.

6.4 Banning bidding wars

The government has set out its intention to use the Renters' Rights Bill to introduce new laws to end the practice of rental bidding wars by landlords and letting agents. We support this aim – too often renters are pitted against one another in their desperation to find a home.

We welcome that the government has listened to suggestions that they ought to follow the example of jurisdictions like the state of Victoria, Australia, which initially allowed tenants to offer above asking rent, but has since required that landlords accept the asking price, after their initial measure failed to curb the practice.

6.5 Abolishing 'Right to Rent' to reduce racial discrimination

Right to Rent requires private landlords to check the immigration status of tenants and potential tenants. It is part of a set of policies – sometimes termed the 'hostile environment' – that aim to make life difficult for those who cannot produce particular immigration paperwork.

Right to Rent has been shown to lead to discrimination on the basis of perceived race and nationality and creates a barrier to accessing housing for migrants, people thought to be migrants and Black, Asian and minority ethnic British renters without passports.

The High Court has ruled Right to Rent unlawful, and while the Court of Appeal overturned this ruling, it agreed that the scheme causes racial discrimination.

51% of landlords surveyed by the Joint Council for the Welfare of Immigrants (JCWI) said that they were less likely to consider letting to foreign nationals as a result of Right to Rent. In a mystery shopping exercise, an enquiry from a British BAME renter without a passport was ignored or turned down by 58% of landlords.²⁰

20. https://jcw.org.uk/wp-content/uploads/2024/07/2017_02_13_JCWI-Report_Passport-Please-1.pdf

JCWI also found no evidence to suggest that the scheme is encouraging irregular migrants to leave the UK.

The Right to Rent scheme should be scrapped. The government could do this through amendments to the Immigration Act 2014 which could be included in the Renters' Rights Bill.

6.6 Disabled renters

Private renting as a Disabled renter can present a number of challenges. Disability Rights UK describe the housing sector as 'a dangerous mess' for Disabled people, with Disabled private renters facing inaccessible homes, disrepair and hazards, and poor behaviour and understanding from landlords.²¹

An Equality and Human Rights Commission (ECHR) Report published in 2018 found that 1 in 3 Disabled people in private rented properties live in unsuitable accommodation.²² Renters seeking to make their home more accessible may need to seek permission from their landlord, but despite the Equality Act 2010 clearly stating that landlords cannot unreasonably refuse this, the Levelling Up, Housing and Communities Committee heard in a 2024 inquiry that there are still instances of landlords withholding consent for adaptations.²³ And, despite nearly 1 in 5 Disabled people living in the private rented sector, just 6% of Disabled Facilities Grants go to this group.²⁴

We recommend the government put in law obligations on landlords to comply with requests for alterations from Disabled renters paid for by the Disability Facilities Grant, and not to unreasonably refuse requests for minor alterations.

6.7 Deposit reform

When moving home in the private rented sector, tenants must normally pay a deposit to secure a new tenancy, before they have moved out of their existing home. They then do not get their existing

deposit back until after they have moved out and their landlord has had an opportunity to make a claim against it.

Currently, the cost of a second deposit is a barrier to moving for renters who lack savings or access to cheap credit. People who can't afford a deposit present as homeless or stay in unsuitable homes. Others use unregulated deposit-free schemes and face further risk of being ripped off.

Some councils provide support through deposit loans, however, limited funding and patchwork provision mean this is not available to many renters.

Even when renters can afford the deposit for a new home, they can face five weeks or more of financial vulnerability while they wait for their original deposit to be returned.

Renters are in need of deposit reform.

Currently, lodgers and students living in purpose-built student accommodation do not have their deposits protected by deposit protection schemes.

We support the development of a government-backed lifetime deposits passporting scheme.

We support the development of a centrally administered system that prevents renters from needing to find a new deposit every time they move, while not having access to the deposit for their existing home.

6.8 Lodgers' rights

Lodgers will continue to have fewer rights than private renters under the system proposed in the Renters' Rights Bill. However, there are some basic protections the government could put in place in order to provide some level of protection, and in order to reduce incentives for the worst landlords to game the new system.

This should include extending deposit rights to lodgers, providing for lodgers to be able to challenge their status where a landlord is

21. <https://www.disabilityrightsuk.org/housing>

22. https://www.equalityhumanrights.com/sites/default/files/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf (p17)

23. <https://committees.parliament.uk/publications/45020/documents/223326/default/p.27>

24. <https://www.disabilityrightsuk.org/housing>

fraudulently claiming to cohabit the property, and providing a minimum notice period of two months for all 'no fault' terminations of lodger agreements. Lodgers should also be protected against the most serious cases of disrepair according to the Housing Health and Safety Rating System.

6.9 Access to justice

To deliver a housing system that rebalances the power between tenant and landlord, timely access to justice is imperative. Reform of the civil justice system should focus on creating a level playing field, with adequately funded legal advice and representation available to all renters.

All renters should have timely access to legal advice. Early legal advice is invaluable in enabling tenants to assert their rights and prevent costly and protracted court proceedings and pressure on public services down the line.²⁵ We welcome the Ministry of Justice's intention to expand legal aid at earlier stages of a problem developing. We encourage that any service expansion be promoted to all renters.

The right of tenants to be represented by a lawyer, an advocate, a renters' union or an organisation of their choice should also be recognised.

Furthermore, the government must guarantee all renters have access to legal aid should they need it. Cuts to legal aid over the last decade mean many renters only obtain legal aid at crisis point, leading to worse individual outcomes and more challenging and costly resolutions for the state.²⁶ Legal aid cuts have also left renters unable to challenge poor conditions and landlord practice.

Alternative dispute resolution (ADR) services, such as mediation, can play a role in some landlord-tenant disputes. We support the introduction of the PRS ombudsman created through the Renters' Rights Bill.

However, we caution that the Ombudsman should not be relied upon as a catch-all solution to wider problems in the justice system.

Mediation is of most use at the earliest possible stage in a dispute between tenant and landlord. The imbalance of power between tenants and landlords means that mediation can push renters to make unfair sacrifices in order to reach a compromise. Renters should not be forced into mediation and should be offered legal advice on their rights if they enter it. Renters should have the opportunity to present their case and vindicate their rights in court.

If delivered well, digitisation of the civil justice system could have benefits for tenants and landlords, but it should not be pursued at the cost of access to justice. The justice system must be accessible to all, and government reforms should prioritise accessibility. Digitised court proceedings can disadvantage particular groups of renters, including digitally excluded or disabled renters, or those with limited English proficiency. 'Assisted digital support' services should serve as another point at which renters are offered independent legal advice on their rights and the court process.

However, digitisation could improve access to some parts of court infrastructure. For example, supporting renters to exercise their rights by introducing the option of online applications to the rent tribunal process, currently accessed only by postal application.

25. [Defending-the-public-purse-The-economic-value-of-the-free-legal-advice-sector-September-2021.pdf \(atjif.org.uk\)](#)

26. The Law Gazette, 2020, Uneasy Street



Roadmap for Reform

A vision for renting in England
with safe, secure and affordable
homes for all



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