



Safe, secure and affordable homes for all: A renters' blueprint for reform

With 4.4 million privately rented households in England, the number of people renting from a private landlord has more than doubled in the last twenty years.

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Foreword



With 4.4 million privately renting households in England, the number of people renting from a private landlord has more than doubled in the last twenty years.

Yet regulation hasn't kept up, and legislative change has been piecemeal. That's why the Renters' Reform Coalition welcomes the government's commitment – first made in December 2019 – to introduce a Renters' Reform Bill, the first package of reforms in a generation.

In December 2021, two years after the government first proposed a Renters' Reform Bill, the National Audit Office published a report that found the government lacked an overall vision for coherent reform of the private rented sector.

Renters need comprehensive reform. The government has pledged to deliver a fairer and more effective private rented sector, but today, too many people are living in insecure, unaffordable and unsafe homes that impact their daily life and prevent them from realising their potential.

Too many renters live in fear of being evicted from their home for no reason, a reality that goes beyond ending Section 21 evictions to ensuring security of tenure for private renters.

For renters in England, government action cannot come soon enough.

In March 2022, the government published its Levelling Up White Paper, a document that places reform of the private rented sector at the heart of improving regional prosperity. We support this ambition, and want to work with the government to turn these proposals into meaningful legislative change.

This report sets out the key private rented sector policy areas in urgent need of reform. It aims to present solutions shaped by the experiences of the renters that members of Renters' Reform Coalition work with – in communities, advice centres, student unions, through advice lines and expert research.

This is an opportunity to give England's 11 million private renters a decent place to call home. We call on the government to accept our vision for reform and introduce legislation that meets the scale of the challenge.

It is time to reset the balance of rights and responsibilities between landlords and renters and ensure every renter has a safe and secure home.

As the Renters' Reform Coalition, we will work with anyone who agrees that change is needed, to make it happen.

Sue James,
Chair, Renters' Reform Coalition

About this report



The Renters' Reform Coalition is a coalition of 20 organisations committed to working together to ensure the Renters' Reform Bill delivers the safety, security and improvements needed for the 11 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' Reform Bill.

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

To find out more about the Renters' Reform Coalition, contact:

Livi Elsmore, Campaign Manager

📞 07534 725511

✉️ Livi@rentersreformcoalition.co.uk

🐦 [RentersReformCo](https://twitter.com/RentersReformCo)

🌐 RentersReformCoalition.co.uk

Renters' Reform Coalition members



ACORN
ASSOCIATION OF COMMUNITY ORGANISATIONS FOR REFORM NOW

advice
for renters

cfpt
CAMDEN FEDERATION
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Chartered Institute of
Environmental Health

citizens
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GREATER MANCHESTER
TENANTS UNION

GENERATION RENT
The national voice of private renters

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nus
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RENTERS'
RIGHTS
LONDON

Safer Renting

SHELTER

TOYNBEE
HALL

Z2K
Fighting
poverty

RENTERS
REFORM
COALITION

Ending no fault evictions

Section 21 'no fault' evictions must be abolished.



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.

Eviction causes renters untold financial hardship, an acute stressor which damages mental health. Research by Citizens Advice found that private renters in England who formally complain about issues such as damp and mould have an almost one-in-two (46%) chance of being issued an eviction notice within 6 months.¹

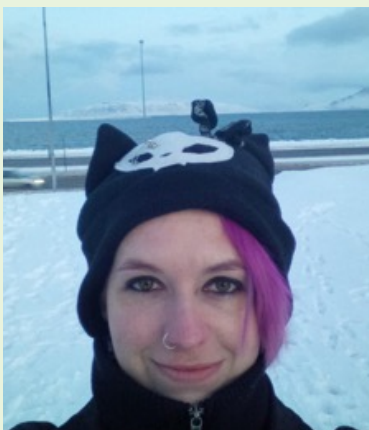
In the future, landlords must have to prove they have a legitimate reason for evicting a tenant, and the new system introduced by the Government must provide tenants with security of tenure.

The intention of the Renters' Reform Bill is to abolish no fault evictions. Any new grounds for possession introduced by the government must ensure this intention is met, and that renters' security of tenure is not undermined.

New no fault grounds must only be used in extremely limited circumstances, after the first two years of a tenancy, and if a landlord produces a high level of evidence.

By also preventing landlords using no fault grounds in the first two years of a tenancy, the law would give tenants greater certainty over their home.

“



Katie, North Yorkshire

I've been renting for just over twenty years, so all of my adult life. I've lived in seven different properties, three of which I was evicted from with a Section 21 eviction notice. At all but one property, I've had to fight to get any essential repairs done. This means that I'm often scared to ask my current landlord for repairs in case they decide it's easier to just evict me.

I struggle to call the house where I live, my "home" because I fear that an eviction notice could come at any time, despite me being a good tenant and always paying rent on time. I don't feel I can decorate or make any changes to the property as this would end up being wasted money if I were to be evicted. My landlord has refused to do any redecoration despite the previous tenant staining the carpets, ripping up the floor and tearing off half the wallpaper. Being a private renter means constant worry and never feeling fully settled anywhere.

For all no fault grounds, there must be a burden of proof on landlords to provide unequivocal evidence of their plans to use the property for the purpose set out in the possession ground. This would ensure that renters are not evicted unnecessarily and can't be forced out under false pretences.

If the government deems sale of a property to constitute acceptable grounds for eviction, selling with vacant possession should not be the default option.

Instead, **landlords should be incentivised to sell with tenants in residence; one such mechanism for this could be introducing relocation payments to be paid to the tenant if they are asked to move.**

Where a landlord's family wants to move back into a property, there should be a requirement for court discretion to assess evidence provided by the landlord, any vulnerabilities the tenant might have and if there are alternative properties available for the tenant to move into.

We encourage the government to introduce relocation payments for tenants where possession is granted.

“



Alex, Plymouth

In 2019, my landlord informed me and the other tenants in my building that he was selling up. I'd lived there for five years at that point. The rent was affordable, the location was convenient, and I was a model tenant.

My landlord said he was tired of being a landlord and wanted to sell the properties. A few months later, a Section 21 notice arrived for me and the other tenants. Six months after I had moved out, I discovered he had turned the whole block of flats into Airbnb holiday flats. They are regularly advertised on Airbnb as short term lets for people visiting the city.

“

Janet and William*, Merseyside

We previously shared a cottage in a large Merseyside village, which cost us £750 per month. The landlords told us we could stay as long as we needed to. This suited our needs, as we were 80 and 72 years old and needed some security. After four years of making expensive home improvements, and never missing a rent payment, we were served a Section 21 notice and asked to leave in eight weeks.

We asked the local council for help, but they couldn't do anything. We were told that we would have to wait six to eight years for another place to live. The council advised us to wait until we were evicted before they could provide us with emergency accommodation. We were concerned we might not live that long!

Eventually, we found somewhere else to live. While the landlord seems okay, the threat of a Section 21 eviction is always on the horizon, which makes us anxious every single day. Until legislation is changed to ensure we have some permanency of tenure, our day-to-day lives are uncertain.

*Names changed to protect identities



Managing the impact of evictions



Evictions are a key cause of homelessness, with around a third of all families that councils accepted as homeless in 2018 made homeless by the ending of a private rented sector tenancy.²

Managing the impact of evictions after the end of Section 21 will be critical.

From 26 March 2020 to 30 September 2021, the government took action to protect renters from eviction, in light of the coronavirus pandemic. While the nation charts a path out of the pandemic, renters continue to live with uncertainty, insecure employment and little ability to save for the future.

For example, research by Shelter found that 45% of English private renters could not afford to pay their rent for more than a month if they lost their job³, and government figures show that 45% of private renting households have no savings at all.⁴

We should take this opportunity to learn the lessons of the pandemic.

Judges should be given more discretion to assess individual circumstances so that in cases where rent arrears have been caused by delays in the welfare system, or a recent bereavement of a joint tenant, the tenant is not automatically evicted and appropriate financial support is put in place.

There should be no decrease in the amount of arrears that qualifies a landlord to seek eviction on the grounds of rent arrears.

2. Local Government Association (2019) [Response to the Consultation on a new deal for renting](#)

3. Shelter, 2019 [press release](#)

4. DLUHC (2021) [English Housing Survey Private rented sector, 2020-21](#)





Preventing a no fault evictions loophole



Once Section 21 is abolished and it becomes harder to evict tenants without good reason, there will be greater risk of landlords using other methods to force renters out.

For instance, if a landlord were to increase the rent suddenly to a level above which a tenant could afford, they would have no choice but to leave. This would have the same effect as receiving a Section 21 notice - the household would no longer be able to continue the tenancy.

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

The government must therefore ensure that rent increases are not used to force renters out, operating as a de facto unfair or retaliatory eviction.

The government should prevent landlords retaining the power to carry out no fault evictions via unreasonable rent hikes. This could be done by limiting rent increases within tenancies to the lowest of either inflation or real median income growth. If a landlord increases rent above this level, a tenant could seek recourse through the rent tribunal.



What about the rent tribunal?

In its 2019 consultation, *A New Deal for Renting*,⁵ The government outlined its ambition to prevent in-tenancy rent rises being used to force no fault evictions. The consultation proposed renters take action against unfair rent rises by referring their rent increase to the existing 'rent tribunal' – the Property Chamber of the First-tier Tribunal – for independent adjudication.

The rent tribunal process is currently under-utilised, with only 341 cases opened between January 2019 and January 2021 (a third of which related to assured tenancies, not usually used in the private rented sector).⁶

While we agree that the rent tribunal is the correct mechanism to challenge unfair increases, our experience is that renters lack awareness of the rent tribunal.

In its current form, the rent tribunal process is not equipped with the powers to protect renters from landlords using rent hikes to force eviction. This is because rent tribunal adjudications are tied to market rents, meaning any increase is legitimate if the final rent is comparable to market rents in the local area. This means that the rent tribunal service offers no protections for people renting in the lower end of the market, who can only afford to rent at below-market levels.

By empowering the tribunal to limit rent increases within tenancies to a different measure, such as the lowest of either inflation or real median income growth, the government could ensure that landlords are prevented from using rent increases to secure a no fault eviction.

5. MHCLG, [A New Deal for Renting: Resetting the balance of rights and responsibilities between landlords and tenants: A consultation](#)
6. Generation Rent, Analysis of rent tribunal data 2019-21

Indefinite tenancies



Once Section 21 is abolished, tenancies should be open-ended, providing greater stability and preventing the continuous cycle of moving that many renters find themselves trapped in.

Under a system of indefinite tenancies, there would be no fixed terms or break clauses, renters would instead be able to leave the tenancy at a time of their choosing, after giving the landlord appropriate notice.

Indefinite tenancies provide both security and flexibility, allowing renters to stay in their homes for as long or as short a period as they need to.

Renters should be afforded consumer protections as in any other market. Indefinite 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.

In Scotland, where indefinite tenancies were introduced in 2017, renters on indefinite tenancies have reported feeling less 'locked in' to their rental contract and more satisfied with their living situation.⁷

Opposition to indefinite tenancies has often focused on the loss of guaranteed income for landlords, due to concerns that tenants might regularly leave tenancies after short periods. However, in Scotland, high levels of churn in the rental market have not been reported as a significant issue.⁸

In its 2019 consultation, *A New Deal for Renting*, the government explored the idea of retaining fixed 'periods of commitment' at the start of tenancies.⁹

We believe that preserving fixed terms under any name would constitute a missed opportunity for tenancy reform.

Optional fixed terms would create a two-tier tenancy system, overly complex for both tenants and landlords, with many renters assuming that they must leave at the end of the fixed period.

Optional fixed terms also do not account for the imbalance of power between tenants and landlords. In high-demand areas, renters are unable to negotiate the terms of a tenancy with their landlord on an equal basis, so tenancies would realistically default to fixed-term.

7. Shelter, 2019. [Evaluating changes to rental agreements in Scotland](#)

8. Indigo House, [Wave 1 Rent Better Report](#)

9. MHCLG, [A New Deal for Renting: Resetting the balance of rights and responsibilities between landlords and tenants: A consultation](#)



TO LET

Longer notice periods



Finding a new home can be challenging and expensive for tenants, who must uproot their lives and may struggle to find a new home that meets their needs.

When leaving a tenancy, renters need enough time to find a new home within their local community. People on lower incomes need enough time to find a home that they can afford. Parents need enough time to find a home within a suitable distance of their children's schools and childcare.

The struggle to find suitable accommodation before the end of a tenancy creates distress and can cause homelessness. Longer notice periods would help to minimise these risks.

Notice periods should be increased in all but the most serious cases, for instance where a tenant has committed serious crimes or caused severe and intentional damage to a property.

A minimum of four months' notice would give renters security and enable them to plan for the future.

This follows the extended notice period model adopted by the government between 1 June 2021 and 30 September 2021, during the Coronavirus pandemic. Once given four months' notice, renters should be able to leave if they find somewhere else to live, and not be liable for rent.

Four months' notice would also enable renting families to move outside of term time.



“

Siobhan, Liverpool

My family and I were renting a three-bedroom house. It was in the perfect area, was the perfect size and somewhere we could just about afford. However, after 18 months, they served us with a valid Section 21 eviction notice and as we had no defence against this, we started to urgently look for new accommodation.

We had few properties to choose from, many family homes locally have been turned into student housing and HMOs. We have a cat and most landlords didn't allow pets, others were completely unaffordable.

We ended up feeling pushed into taking a 4-bed house in poor condition which was over our budget. The property had no white goods, curtains or curtain poles, which we had to fork out for ourselves. Taking on this house has put a lot of pressure on our finances. We only took it out of desperation to avoid the legal costs we would have faced if we had moved out any later than the notice expired.

Two months' notice is not enough to find a suitable home, to apply for it and ensure that the move-in date aligns with the end of your notice period. It is not enough time to put aside money to cover removal costs and other essential purchases. Had we had additional notice, we would not have been forced into poor quality, unaffordable and unsuitable accommodation.



Addressing affordability



In its Levelling Up White Paper, the government set out its mission to ensure that more renters become homeowners, with the number of first-time buyers increasing by 2030.

However, up and down the country, renters of all ages and backgrounds – from families to young couples and single retirees – are struggling to pay their rent, let alone save for a deposit to buy. Just 55% of private renters have any savings whatsoever, 40% before the pandemic.¹⁰

The housing affordability crisis is well documented. **On average, private renters spend more of their income on housing (32%), compared with owner occupiers (18%) and social tenants (27%).**¹¹

It is widely accepted that in order to be affordable, housing costs should not take up more than a third of a person's income¹², but many renters pay significantly more. The independent Affordable Housing Commission found that 29% of private renters face affordability issues.¹³

Large numbers of households on low incomes are paying rents they cannot afford in the private rented sector¹⁴, without access to alternative housing options. Four in ten of those in the bottom half of incomes are paying over 40% of their income in rent¹⁵, while Local Housing Allowance support for low-income renters is currently frozen, based on rents in 2020.¹⁶

In London in particular, rent increases have outpaced earnings in the last decade, with only households in the highest 25% of incomes now able to rent a property without spending more than 30% of their income on rent.¹⁷

For students, the cost of renting purpose-built student accommodation has increased by 61% since 2011/12.¹⁸

The lack of affordability in the private rented sector, in combination with other pressures on the 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.

This is an issue that unites all the renters we work with and represent, and it is an area ripe for 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.**

10. DLUHC (2021) [English Housing Survey Private rented sector, 2020-21](#)

11. National Audit Office analysis of data published by the Department for Levelling Up, Housing & Communities, 2021

12. ONS (2021) [Private rental affordability, England: 2012 to 2020](#)

13. Affordable Housing Commission (2019) [Defining and measuring housing affordability – an alternative approach](#)

14. JRF (2021) [Renters on low incomes face a policy black hole: homes for social rent are the answer](#)

15. Affordable Housing Commission (2019) [Defining and measuring housing affordability – an alternative approach](#)

16. Inside Housing, 2021. [LHA rates frozen for next year, minister confirms](#)

17. ONS (2021) [Private rental affordability, England: 2012 to 2020](#)

18. Unipol (2021) [Accommodation costs survey](#)



A number of policy mechanisms have been suggested to improve the affordability of rents in the private rented sector, including building social housing, improving overall housing supply, aligning Local Housing Allowance with private rents, and introducing rent stabilisation measures. It is likely that action will need to be taken on multiple fronts to truly alleviate the current affordability crisis.

“

Ann, Bristol

I had to move out of the city I had lived in for 12 years as I could no longer afford the going rent.

My house had serious issues with mould and damp. My landlord had done work to address this and we had to move out for two months while renovations took place. Sadly the work was not effective, and the problem returned the following winter.

That winter I gave birth to my son. I knew that I would have to move as I didn't want his lungs developing in a dangerous environment. It was so damp that a bag of flour in the kitchen cupboard would go hard and grow mould within a couple of days. We had to seal everything in glass jars.

We looked for somewhere to move in the local area, then in the wider city, but everywhere was way out of our budget, on average £500-600 more a month than we were paying at the time, which was the market rate when we had moved in, four years earlier.

As a result, we had to move 40 miles away with our new baby, far away from our community, friends, my mum and brother and our wider support network.



A national register of landlords



England is the only country in the UK without a mandatory national landlord registration scheme. The UK government has spoken about the merits of introducing a register as far back as 2009.¹⁹ It is time to make this happen.

Properties in disrepair or poor condition should have no place in the private rented sector, yet 21% of privately rented homes do not meet the Decent Homes Standard, compared with 16% of owner-occupied homes and 13% of social rented homes.²⁰

A national register would empower renters with the information to make informed choices about where they live, improve landlords' accountability, and increase renters' confidence in their landlords. A register would support delivery of the government's ambitions to drive up housing quality standards – as set out in the Levelling Up White Paper – and government plans to ensure that all privately rented homes meet EPC rating C by 2028. A register should form part of a broader picture to improve standards and enforcement in the private rented sector.

A register should require evidence that landlords are meeting minimum standards as a condition of registration, with registration removed from landlords who break the law.

A register would provide key information to enable local authorities to undertake targeted enforcement work to bring up standards for renters. However, the enforcement regime should be well-resourced with adequate funding for local authorities.

19. DCLG (2009) Impact Assessment of a national register for landlords

20. DLUHC, [English Housing Survey 2020-21](#)



In the future, a fair renting system would prevent poor quality properties reaching the market by introducing pre-registration property inspections. A national register of landlords could be an incremental step towards this outcome.

Which properties should be included in a register?

All privately rented homes, managing agents and landlords should be on the register, including all properties rented to students and temporary accommodation properties owned by private landlords. Short-term lets should go through the same registration process, in order to prevent creating a perverse incentive for properties to be moved into the short-term let market.

What information should be included in a register?

A register should require all landlords and their managing agents to publish their contact and address details, and details of each of their properties. This would support and enable consumer choice. The register should include details of past enforcement action against landlords and agents, as well as Rent Repayment Orders and banning orders.

Basic safety and performance information should be available to renters via the register. Landlords and management agents should be required to upload safety information to the register, including a gas safety certificate, Electrical Installation Condition Report (EICR) and proof of smoke and carbon monoxide alarms.

A landlord register should be joined up with the government's register of Energy Performance Certificates (EPCs), enabling renters to calculate whether they can afford to heat a property, preventing fuel poverty and incentivising landlords to make energy efficient retrofitting measures.

Landlords and housing management agents should also be required 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. It could also be used by the government to more accurately set Local Housing Allowance (LHA) rates.

How should a register work?

A small registration fee charged to landlords and managing agents would contribute to the register's running costs, ensuring that it is well-resourced and kept up to date. Renters should be able to directly report any landlord practice that breaches the terms of the scheme.

Landlords should be asked to provide proof that their properties are managed by an accredited agent or that they understand their legal responsibilities as a landlord. The fine for non-registration must be proportionate, while also acting as a deterrent. The £150 maximum fine issued for non-compliance with the Welsh register is widely regarded as too low to serve as an effective deterrent.

A landlord or agent should be removed from the register if they have been found guilty of serious housing offences, harassment against a tenant, illegal eviction, or sex for rent practices.

The register should have a backend function that enables local authorities and the other UK registration schemes to share information on all landlords across borders.

How should a register interact with selective licensing and redress?

A national landlord registration scheme should not replace local authority landlord licensing. A register would support and complement selective licensing, by making it easier for local authorities to identify the majority of landlords in their area.²¹

All registered private landlords should also be required to join a redress scheme, regardless of whether they employ a managing agent.

21. Chartered Institute of Environmental Health, Chartered Institute of Housing (2019). [A licence to rent](#)

“



Katie, Gateshead

When I left a tenancy in 2019, I received just £145.50 back of a deposit of £600. The landlord claimed that this was because I had used an unreasonable amount of electricity during the tenancy, despite me not being present at the property for 11 weeks of the contract, away most weekends and using the heating sparingly.

During the dispute process, I searched my landlord's name online and found that he had been imprisoned and then struck off as a solicitor in 2004 after plotting to rip off an elderly widow through the sale of her home. The judge in the case described the landlord's actions as a “mean, cold and calculated breach of trust motivated only by greed”. I was shocked that this person was allowed to be a private landlord.

I am a big believer in convicted criminals being able to rebuild their lives, but a landlord, who has the keys to someone else's home and takes responsibility for thousands of pounds of tenants' money, should need to prove they are reputable.

“

Ramona, London

It started when I was sent offensive emails in which my landlord made jokes about religion, told me to jump out of the window and said that I ‘needed a good slap’.

I was not his friend. I needed to have a roof over my head, so I did not complain. I should not have had to put up with this just to have a home. When I eventually complained, he said I was going to be evicted.

The landlord never got any professionals in. It was always him or his mates. We had flood after flood after flood. Nothing would get done, nothing would change.

It made me so upset and stressed. I was anxious and worried all the time about what was happening, and then I had my landlord saying those things to me. It just made it all so much worse.



Preventing 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.

These actions constitute a criminal offence under the 1977 Protection from Eviction Act, with penalties including two years in prison, an unlimited fine and payment of up to a year's rent through a Rent Repayment Order. However, the law is not currently enforced as it should be.

In 2019-20, we know that at least 1,040 households were made homeless because of an illegal eviction.²² As not all people qualify for council homelessness support, the true scale of the problem is much bigger.

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 this part of the market are on low incomes, in marginal employment, and unfamiliar with their rights.²³

Too often, police officers attending illegal evictions are unaware of their powers to stop an illegal eviction, taking the landlord's side, or dismissing an illegal eviction as a 'civil matter'.²⁴

22. Ministry of Justice, [Court Proceedings Database](#)

23. Safer Renting (2020) [Journeys in the Shadow Private Rented Sector](#)

24. Safer Renting (2020) [Journeys in the Shadow Private Rented Sector](#)

In 2019, there were just 30 prosecutions for Protection from Eviction Act 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.

The government must take action to address the shortcomings in existing legislation that relate to harassment and illegal evictions in the private rented sector.

The law needs to change to give councils the duties and powers they need to investigate offences and bring criminal landlords to justice, and place a duty on police forces to cooperate with councils' investigations.

While the 2004 Housing Act introduced powers for local authorities to inspect homes for safety concerns, no such powers were introduced to enable them to take action against landlord harassment and illegal eviction.²⁵ The government should provide local authorities with additional funding to investigate reports of abuse.

Police forces must also be directed and trained to act in ways that are consistent with renters' rights and make better use of their existing powers to prevent and investigate illegal evictions. If proposals to abolish Section 21 and restore tenant security are realised, there will be a greater risk of criminal landlords pursuing illegal evictions. The government must carry out an annual calculation of illegal evictions and take action to mitigate this risk.

Three cases from a local authority tenancy relations officer

Renter one - A tenant called the police when their resident landlord started to send them harassing messages and throw their belongings out of the house. The police said this was not an emergency and to call back only if the landlord became violent.

Renter two - A suspected imminent illegal eviction was reported to the police - in writing and over the phone. A police officer took down some notes, but when the eviction happened a few hours later, the police force said they wouldn't send officers. This was despite the local authority being told it was flagged as a priority. The tenant was made homeless and was not able to return to the property.

Renter three - A tenant reported that he was being assaulted and illegally evicted by his employer. The police attended the scene of the eviction. They did not intervene, but took the tenant to the police station for their safety. There was no follow up investigation or referral to the local authority.

25. As defined in the 1977 Housing (Homeless Persons) Act

Preventing discrimination



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

Abolition of 'Right to Rent' checks

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.²⁶

JCWI also found no evidence to suggest that the scheme is encouraging irregular migrants to leave the UK.²⁷

The government's Right to Rent scheme should be scrapped.

No more 'No DSS' and 'professionals only'

Discrimination of tenants receiving welfare benefits, on low incomes or on zero hours contracts must end, both when tenants are looking for a new home and during the referencing process.

Blanket bans on renting properties to people on housing benefit, known as 'No DSS' policies, put women and disabled people at a particular disadvantage²⁸ and were found unlawful in a series of court cases from 2018–2020.²⁹

Despite this, renters in receipt of benefits continue to face discrimination when trying to find a home, with 63% of private landlords reporting that they don't let, or prefer not to let, to people in receipt of benefits.³⁰

This discrimination means renters already struggling to find an affordable home have to search from a more limited pool.

26. JCWI (2017) [Passport Please: The impact of the Right to Rent checks on migrants and ethnic minorities in England](#)

27. JCWI (2017) [Passport Please: The impact of the Right to Rent checks on migrants and ethnic minorities in England](#)

28. Shelter, National Housing Federation (2018) [Stop DSS Discrimination Ending prejudice against renters on housing benefit](#)

29. BBC, 2020, ['No DSS' letting bans 'ruled unlawful' by court](#)

30. Shelter/ YouGov survey of private landlords in England, online, 18+ Dec 19–Jan 20

To prevent DSS discrimination taking place, the government needs to ensure the law is enforced and close additional loopholes.

Lower income renters are also shut out of the market when a landlord or agent asks for several months' rent in advance.

The government previously capped deposits at five weeks' rent. The government should also legislate that only one month's rent can be requested in advance of a tenancy.

“



Juliet, West London

As a person with physical disabilities who relies on benefits, private renting has proven extremely difficult. I've repeatedly called estate agents one by one, often met with 'we can't help you' or 'we only occasionally get a landlord who will consider DSS claimants'.

This isn't reliable, as I need something certain and secure. I've had to endure homes in a serious state of disrepair, as only certain landlords rent to those on benefits. I've been treated like the scum of the earth when trying to approach more 'high end' estate agents.

The only way around this has been to find guarantors who earn four times my annual rent and own their own property. Additionally, I must pay six months' rent upfront. I have been on the brink of homelessness because I've struggled to meet these criteria.

My health has been impacted by constant upheavals. Just because I am not a 'working professional', doesn't mean that I shouldn't be entitled to fair and dignified treatment, and a stable and comforting home.

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.³¹ 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.³² 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. However, their usefulness is limited, and ADR 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.

31. Community Justice Fund (2021) [Defending the Public Purse: the Economic Value of the Free Legal Advice Sector](#)

32. The Law Gazette, 2020, [Uneasy Street](#)

Deposit reform and passporting



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. Many renters also lose much or all of their deposit, with around two thirds of private renters facing deductions when ending a tenancy and 50% receiving less than half their deposit back.³³

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.

A lifetime deposits scheme must be financially inclusive and accessible to people with poor credit scores. Its success depends on a robust disputes system that ensures decisions are made quickly and fairly, with clear guidance on what deductions are considered reasonable.

The cost of administering a passporting scheme should not be borne by those on the lowest incomes, otherwise it will not be accessed by those who need it most. Therefore, the scheme should be free to access by renters, or include particular financial provision for low-income renters.

The government should explore a deposit guarantee scheme administered by councils that agree to cover the registration costs of low-income renters. This would require public funding, but has the potential to save money currently spent on incentive payments to landlords who take on homeless households. There should be clarity about eligibility for any deposit support, and this must be communicated to renters who could benefit from it.

33. ACORN survey, [submission to Public Accounts Committee inquiry on regulation of private renting](#), 2022; Generation Rent, submission to MHCLG call for evidence on deposits, 2019

Safe, secure and affordable homes for all: A renters' blueprint for reform



To find out more about the Renters' Reform Coalition contact:

Livi Elsmore
Campaign Manager

- 📞 07534 725511
- ✉ Livi@rentersreformcoalition.co.uk
- 🐦 [RentersReformCo](#)
- 🌐 RentersReformCoalition.co.uk

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