

## Briefing: The Renters (Reform) Bill second reading

For too long, private renters have been living in a sector characterised by insecurity, discrimination, and poor conditions. The [Renters \(Reform\) Bill](#) is a once-in-a-generation opportunity to change this, by resetting the balance of power between tenants and landlords.

Four years on from the government's promise to end section 21 'no-fault' evictions, England's 11 million private renters can't afford to wait any longer. Since the Bill's first reading in May, tens of thousands more families have been served a section 21 eviction notice. The Renters (Reform) Bill could be a gamechanger for renters: finally giving them the security they need to put down roots in their homes and their neighbourhoods.

Shelter strongly welcomes second reading of this long-awaited bill, and is campaigning to ensure that it is passed swiftly and is robust enough to provide private renters with genuine security and safety in their homes, as well as proper protection against discrimination.

**In order to meet the government's ambition of creating a fairer private rented sector, the Renters (Reform) Bill must:**

- 1. Close loopholes for unfair evictions when section 21 is abolished.**
- 2. Ensure that all private renters have genuine security in their homes by extending notice periods from two to four months, protection periods from six months to two years, and 'no reletting' periods from three to twelve months.**
- 3. Prevent homelessness by preserving private renters' right to access homelessness assistance from their council as soon as a possession notice is served.**
- 4. Urgently bring forward legislation to outlaw discrimination against renters with children and those in receipt of benefits.**

**The Renters (Reform) Bill must increase security for private renters.**

### **SECTION 21 EVICTIONS**

The Renters (Reform) Bill bans section 21 'no fault' evictions, which allow landlords to evict tenants with just two months' notice, without needing to give or have a reason. This leaves tenants with too little time to find a new place to live and means many are too scared to complain about poor conditions for fear of being served this type of eviction notice. Shelter research estimates that 172 families per day are served with a section 21 eviction notice – that's one family every 8 minutes (Shelter/YouGov section 21 polling, June 2023). The new legislation instead proposes open-ended periodic tenancies as standard, to give private tenants more flexibility if their circumstances change while also giving them security in their homes.



Landlords will still be able to evict tenants on the grounds of persistent or severe rent arrears, or on the grounds of anti-social behaviour, and there will be updated grounds for when a landlord wants to sell, move back into the property, or move a family member into the property. The bill also sets out a 'no reletting period' of three months after use of a landlord need eviction. This means a landlord can put their property back on the rental market after just three months of repossessing it on the grounds of wanting to sell or claiming to want to move back in.

**Scrapping section 21 evictions will be foundational to reforming the private rented sector, but the government must ensure that loopholes for unfair evictions are not opened up when the Renters (Reform) Bill comes into effect.**

In the current proposals for the new system, a landlord could claim they want to move into their property but put it back on the rental market after just three months. This leaves room for exploitation unless there are severe consequences for gaming the system. **The government must increase the 'no reletting' period to 12 months to provide a strong disincentive against misusing these new eviction grounds. There must also be a high evidence threshold for landlords to meet, and punitive fines for landlords that misrepresent evidence when repossessing a property on these new grounds.**

The government also plans to strengthen landlord powers to evict anti-social tenants. **Shelter is deeply concerned that this could expose renters to unfair evictions once section 21 is scrapped – particularly as there is no minimum notice period for evicting anti-social tenants. This means a landlord can apply to court as soon as they give notice, leaving tenants with too little time to seek out support services and contest a false allegation.** Without strong safeguards in place, there is also real risk that the new, broader grounds for eviction could be abused to evict tenants for unfair or false interpretations of "nuisance or annoyance". Moreover, a blanket policy on anti-social behaviour fails to take into consideration that nuisance and annoyance perceived by neighbours may be linked to other vulnerabilities or circumstances beyond a tenant's control. Rather than eviction, support services are needed to help people sustain their tenancies and to arbitrate resolutions between neighbours.

**The government must make absolutely sure that its commitment to make private renting fairer and more secure is not immediately undermined by loopholes for unfair evictions.**

## **HOMELESSNESS PREVENTION**

In its current form, the Renters (Reform) Bill's amendments to homelessness legislation mean that private renters who receive a possession notice will no longer have the right to immediate help from the council to avoid homelessness (i.e. to help sort out arrears and remain in their home).

The law would no longer specify when help to prevent homelessness should be available to private renters, following service of a notice. Instead, it would be left to the discretion of the council to decide when the person is threatened with homelessness within a 56-day period.

This could result in tenants who have been served notice being turned away by the local authority and told to come back when they have a date for a court hearing. This could waste



precious time in which people could get vital assistance to avoid eviction, such as help with defending possession proceedings or finding a suitable alternative home.

**Shelter is deeply concerned by this aspect of the bill in its current form. It directly undermines the government's Homelessness Reduction Act 2018 and Rough Sleeping Strategy 2022, both of which have a clear focus on prevention of homelessness. The government must urgently strengthen the bill to make sure private renters maintain the right to access homelessness assistance from their local council as soon as a possession notice is served – in the same way that they can currently. Early advice and advocacy are vital to protecting tenants and preventing homelessness.**

### **NOTICE PERIODS AND PROTECTION PERIODS**

The Renters (Reform) Bill proposes a two month notice period, whereby a landlord is able to serve a two month notice after just six months of a tenancy if they decide to sell up or move themselves or a family member into the property. But two months is not enough time for people to find a new rented home – particularly in the current overheated market. In fact, according to Shelter research, 34% of households say that the last time they moved it took them longer than two months to find a new privately rented home (Shelter/YouGov tenant survey, August 2023). The new system then does not improve on the problems of the current system, in which the loss of a private tenancy is still a leading cause of homelessness. Short notice periods are a key factor in this. They are hugely disruptive for families, particularly those with children at risk of being forced to relocate in the middle of a school year. They can also result in huge costs for the council. If tenants had more time to find somewhere new to live, both the taxpayer and the tenant would be spared the devastating cost of homelessness. During the pandemic, renters benefited from a four-month notice period. This gave them vital time to find somewhere new to live and ensured that advice services like Shelter could help prevent homelessness.

The Renters (Reform) Bill also proposes a six-month protection period in new open-ended tenancies, meaning eviction grounds cannot be used in the first six months of a tenancy unless there has been a breach of the tenancy agreement. This significantly waters down the two-year protection period recommended by the government's 2019 ['New Deal for Renting'](#) consultation, which Shelter supported.

Shelter supports the move towards open-ended tenancies but wants to see notice periods and the new protection period lengthened, to help prevent homelessness and to give renters real security when entering a tenancy agreement. Ultimately, this will give renters the security and stability needed to put down roots in their homes and their neighbourhoods. **The government must lengthen notice periods (where the tenant has not breached the tenancy agreement) from two months to four months. The government must also extend the protection period at the start of a tenancy from six months to two years, in line with its original proposals.**

## **The Renters (Reform) Bill must drive up standards and accountability in the private rented sector.**

The Renters (Reform) Bill sets out plans to introduce a property portal to which private landlords will be legally required to register themselves and their properties, bringing England



in line with the rest of the UK. This will help local authorities crack down on criminal landlords and make it easier for good landlords keep up to date with the latest regulations and their obligations. A publicly accessible and well-designed portal would also allow renters to check vital information before entering a tenancy agreement - and even has the potential to empower tenants and local authorities to hold landlords to account.

**Shelter wants to see the portal include information on rent levels, so that renters can check their rent against average rents in their area and more easily challenge unfair rent increases. The portal could also serve as a tool to support local authority enforcement efforts and monitor evictions to ensure landlords aren't misusing the new grounds. Registering evictions on the portal where specific grounds have been used will allow local authorities to follow-up with landlords and ensure that the reasons given to evict a tenant were a genuine reflection of their intentions. A comprehensive property portal will help drive up accountability across the sector.**

In the Renters (Reform) Bill, the government has also committed to establishing a Private Rented Ombudsman, which will be free for private renters to use, and which landlords will have to join regardless of whether they use a letting agent. The ombudsman will be able to issue fines of up to £25,000 to landlords who refuse to carry out repairs or for poor practice. Landlords that do not comply could end up with a banning order.

**While a Private Rented Ombudsman would be a great help for some types of problem, the government should not view it as a capacity solution for over-burdened courts. Some tenants would be better served by having thorough legal advice and better access to justice, which can only be provided with the extension of Legal Aid. The introduction of an ombudsman must be seen as part of the wider solution, rather than a silver bullet.**

**Shelter welcomes the additional enforcement powers conferred by the bill, but the government must ensure that Local Authorities are adequately funded so that the new regulations can be used to their full effect. This means providing local authorities with ring-fenced resource and capacity to crack down on bad practice in the private rented sector.**

## **The Renters (Reform) Bill must outlaw discrimination against families and renters claiming benefits.**

Certain White Paper commitments are missing from the version of the bill published at First Reading. Key amongst these is the outlawing of discrimination in the private rented sector, which the government has promised to legislate for "at the earliest opportunity". This crucial commitment must not be forgotten: the Renters (Reform) Bill must make it directly and specifically illegal for landlords or agents to have blanket bans on renting to families with children or those in receipt of benefits.

Shockingly, 52% of landlords have an outright bar or prefer not to rent to people in receipt of housing benefit (Shelter/YouGov survey, August 2023). Shelter's landmark court wins have already proved that "No DSS" adverts and blanket bans are unlawful indirect discrimination under the Equality Act 2010. But as it stands, renters facing income discrimination can only make a legal challenge if they have a protected characteristic that is disproportionately affected by blanket bans.



The Renters (Reform) Bill must change this by introducing the first ever direct prohibition on discriminating against people due to their financial status or circumstances, making blanket bans unlawful outright. This would change the game for over 245,000 families who have been unable to rent a home they wanted to in the past 5 years simply because they have children, and for over 385,000 households who were unable to do so due to their benefit status (Shelter/YouGov DSS Phase Two survey, April 2022).

**Shelter urges the government to outlaw blanket bans outright as part of the Renters (Reform) Bill. If properly enforced, this would be an essential first step in stamping out income discrimination. However, the government must go further still. Outlawing blanket bans will not solve the issue in a vacuum. Further measures are needed to address the more informal barriers to private renting that will proliferate as letting agents and landlords simply change their tactics - such as landlords asking for extortionate levels of rent upfront and asking renters in receipt of benefits for guarantors.**

## Contact

If you have any questions or would like any further information on this briefing, please contact [public\\_affairs@shelter.org.uk](mailto:public_affairs@shelter.org.uk).

