

UNISON BRIEFING - RENTERS (REFORM) BILL

HOUSE OF COMMONS – SECOND READING



OCTOBER 2023

1. Introduction and Background

UNISON is the largest public service trade union in the UK, with over 1.3 million members. Our members include frontline staff and managers working full or part-time in public services and for private contractors providing public services. They provide a range of essential public services working in local authorities, the NHS, colleges and schools, the police service, the utilities (electricity, gas and water industries), transport and the community and voluntary sector, including housing associations.

UNISON is keen to engage with parliamentarians on the Renters (Reform) Bill which seeks to provide greater security and certainty of Private Rented Sector (PRS) accommodation for tenants; strengthen their rights and empower them to take action against rogue landlords who fail to maintain their homes to a good standard, without fear of losing their home; while also supporting good landlords to ensure that they can evict problem tenants or gain possession of their properties when needed.

For a growing number of UNISON members, who are public service workers, the PRS is their only housing option due to the unaffordability of home-ownership and inaccessibility of social housing. However, as our recent report – *Through the Roof*¹ – shows it can become more difficult to put down roots and save for a house deposit due to high costs, insecurity and instability of private renting. The report found that the housing crisis is having a disproportionate impact on our members who privately rent, with 32% of them saying that they spend 60% or more of their entire household income on housing; and are more likely than social housing tenants or home-owners to report negative experiences about the suitability or condition of their home.

Given the insecurity, non-decency and unaffordability of private renting, UNISON welcomes the Renters (Reform) Bill which is broadly in line with UNISON policy on PRS reform, as set out in our Housing Manifesto². UNISON welcomes proposals to: abolish Section 21 'no-fault' evictions to stop tenants from being unfairly evicted; introduce a new simplified tenancy system; a property database; and improved complaints systems which will allow tenants to seek free redress from the Ombudsman. However, the proposals do not go far enough to address the power imbalance between landlords and tenants and deliver a fairer rental system fit for the 21st century.

This briefing highlights some of the concerns we have about the Bill, and the improvements we are seeking to address this, which would ensure a fairer private rental system that benefits both landlords and tenants.

2. Section 21 Abolition, Single Tenancy System and Strengthened Possession Grounds

UNISON welcomes measures in the Bill which will abolish Section 21 'no-fault' evictions; create a single improved tenancy system; and remove assured shorthold tenancies. Currently, Section 21 gives landlords the ability to end a tenancy after the end of a fixed term without any reason, and simply issue the notice that gives tenants two months notice to vacate a property. This policy has created instability in private renting and made it difficult for tenants to highlight problems with their landlords about their tenancy or ask for repairs to be done for fear of retaliatory

¹ UNISON (2023) ['Through the Roof' – Housing and the Cost-of-living crisis for public service workers](#)

² UNISON (2020) Housing Manifesto – Safe, Decent and Affordable Homes for All

evictions. This creates a tangible power imbalance between tenants and landlords, with tenants deterred from enforcing their limited rights.

Abolishing Section 21 will transition tenants to assured or periodic tenancies and allow them to stay for as long as they want in their rented accommodation, so long as they do not breach the terms of their tenancy. This will help improve security for private tenants and give them the peace of mind that they can stay in their homes without the fear of being evicted at a whim by their landlord.

When Section 21 is abolished private landlords, including registered providers such as housing associations, will still be able to give two months notice (in most cases) to evict tenants, but will have to give a 'reasonable reason' for ending a tenancy based on the proposed strengthened grounds for possession. This includes new grounds which will allow landlords to gain possession of their property when they want to 'sell the property or need to move themselves or family members in'. The Bill also includes measures which will make it easier for landlords to evict tenants for anti-social behaviour and for serious rent arrears.

The Government says that these rules will empower tenants to take action against rogue landlords while at the same time make it easier for landlords to recover properties when they need to. However, UNISON is concerned that the new grounds for possession which will allow landlords 'sell or move themselves or a family members in' or evict tenants for serious rent arrears could end up being abused with tenants being evicted by the 'back door' unless the measures are tightened. Failure to do so will cause uncertainty for tenants who could find themselves facing eviction, a few months into a tenancy, as they will only be protected from eviction in such cases for a period of just six months from the start of a new tenancy.

UNISON is also concerned that the new rules will allow landlords to advertise or let their property just three months after a tenant has moved out. This timescale is short, is not a strong deterrent, is open to abuse and could lead to illegal evictions that are not detected.

A review of similar grounds for possession introduced in Scotland on their Rented Sector Strategy³ which looked at how the reforms were working out in practice and what further changes were needed found that landlord possession grounds based on the 'need to move themselves or family members in' have become normalised in practice and have led to people being evicted by the "back door", at short notice, with no protection.

UNISON is concerned that the new rules will give private tenants less security than they have under the current system, and will leave many struggling to find suitable and affordable alternative accommodation within a few months of signing a new tenancy. This runs counter to the Government's aim of improving security for private tenants.

UNISON would like to see:

- A clause or changes in the Bill which would extend the protection period for tenants of at least two years from the start of a new tenancy, to improve security of tenure – whereby a tenant cannot be evicted during this period unless they breach the terms of their tenancy.
- A change in the Bill to allow for longer notice periods of at least three to four months for tenants, to give them enough time to find suitable and alternative accommodation, and ease the stress and worry of moving.
- A clause or changes in the Bill which will ensure that landlords who 'want to sell the property or move themselves or family members in' are subjected to a higher burden of proof. This could include providing evidence of a landlord's plans to sell their property; and

³ Scottish Government (2022) [A New Deal for tenants: Consultation analysis](#)

evidence to show occupancy by a landlord or family member within a reasonable time period after eviction has taken place; as well as stronger penalties, including compensation, if a landlord breaches the rules around the grounds of possession.

- Regular reviews or monitoring of the new or amended grounds to assess their impact on tenants, as well as measures put in place to address any consequences of the new grounds. This will ensure that any power imbalances between landlords and tenants are addressed, for example, through an improved complaints system. We would also welcome better education and awareness raising of landlord and tenants' rights and obligations. This will help provide tenants with knowledge about their rights and how to enforce them, which will also help curb abuses of the new grounds by rogue landlords.
- Stronger penalties to help minimise the upheaval of a move on tenants' lives. The measures to prevent landlords from advertising or letting their property until after three months – or face a £5,000 penalty fee – after a tenant has moved out is not sufficient. This is not a strong safeguard as landlords will be able to get around these rules easily, as is happening in Scotland. The timescale needs to be longer, at least a year, to act as a strong deterrent to landlords from abusing the rules.
- A clause which explicitly allows for the expanded use of rent payment orders, which would allow tenants to claim back rent, over a specified period, if they are illegally evicted. This would act as a stronger deterrent to landlords, and ensure that tenants are fairly compensated.
- Stronger safeguards around new expanded and anti-social behaviour grounds, including sufficient notice periods for an eviction and requirement for robust evidence, as well as a clear definition of what constitutes "nuisance and annoyance". This will help to prevent 'rogue' landlords from abusing the new grounds as well as prevent the unnecessary and avoidable eviction of tenants who are falsely accused of anti-social behaviour. Tenants accused of anti-social behaviour should also be given sufficient time to contest them.

3. Homeless Legislation

The Bill contains measures to amend homelessness legislation by removing the right to immediate help from local authorities for those who are evicted from their home. Homelessness is already a huge societal issue that is on the increase; if this policy is implemented the situation will become much worse.

UNISON would like to see:

- The Bill amended to ensure that those facing the risk of homelessness or are served with a notice of eviction receive immediate help from their local authority.

4. Digital Property Portal – Register of Landlords

UNISON welcomes plans to introduce a Digital Property Portal (database) or a National Register of Landlords, which will make it a legal requirement for landlords to join the portal or be registered. The portal will provide vital information about landlords and their rental properties to tenants and councils, including information such as banning orders and fines and any landlord convictions. It will set out legal requirements which landlords will have to comply with or be subjected to enforcement action by councils.

The portal will make it easier for council enforcement teams to use their enhanced powers to deter, detect and take action against rogue landlords who breach compliance rules. This will help make renting safer for tenants and also drive up standards.

UNISON would like to see:

- Tougher penalties for landlords who fail to join the Portal enforced by councils. The rules should be amended to allow tenants to take action if their landlord is not registered on the Portal or fails to join it. In such cases they should also be able to receive rent payments through Rent Repayment Orders. Currently, tenants can receive rental payments through Rent Repayment Orders if their landlord is not licensed or is not registered to operate in local areas where the council operates a licensing scheme.
- UNISON would also like the portal to hold information on eviction notices to monitor compliance with the rules of possession.

5. Penalties and Enforcement

The Bill includes new powers for local authorities to penalise landlords who breach, circumvent or misuse the rules. In such cases local authorities will be able to issue fines of up to £30,000 or prosecute for a criminal offence.

While this is welcome, there are concerns that local authorities, which are facing Government cuts and budgetary constraints, are not adequately funded to effectively regulate the PRS. There are already existing protections for tenants that are not being enforced under various pieces of legislation, and unless local authorities receive additional funding and resources, they will not be adequately equipped to utilise their enhanced powers. Currently, budgetary constraints have led to a decrease in the numbers of local authority officers, including environmental health officers and tenancy relation officers who are involved in the regulation of the PRS and this needs to be addressed.

UNISON would like to see:

- A firm commitment by the Government to provide local authority enforcement teams with more resources, funding and support. Without such investment it will be difficult for councils to use their new powers to effectively regulate the PRS and take action against non-compliant landlords.

Further Reforms Needed

UNISON is concerned that the Bill does not contain any concrete plans to build sufficient genuinely affordable homes for people to rent, and that there are no plans to protect tenants from unpredictable and excessive rent increases, which remains a problem in the PRS, as our housing report shows⁴.

UNISON is also disappointed that the Bill is missing measures to introduce a New Decent Homes Standard for the PRS and outlaw blanket bans on renting homes to benefit claimants or families with children⁵. The Bill is also silent on how local authorities will be required to enforce their new powers. UNISON wants to see a firm commitment to introduce these reforms to the PRS, to ensure that it is effectively regulated and provides a fairer housing system to private tenants.

⁴ UNISON (2023) [‘Through the Roof’ – Housing and the Cost-of-living crisis for public service workers](#)

⁵ UNISON (2022) [UNISON Briefing: White Paper: A fairer private rented sector](#)