

**Inclusion
London**



**Disability Rights UK and Inclusion
London Briefing for DDPOs on:**

The Renters Reform Bill

August 2023

Table of Contents

Introduction	3
Ending Section 21 Evictions and Assured Shorthold Tenancies	4
What does this mean?	4
What do we think?	5
New Types of Evictions.....	6
Anti- Social Behaviour	6
What does this mean?	6
What do we think?	6
Supported Accommodation	7
What we think?	7
Property Portal	8
What does this mean?	8
What do we think?	8
Ombudsman for the Private Rented Sector	9
What this means?.....	9
What do we think?	10
What else is to come	11
Ban on ‘no DSS’ policies.....	11
What does this mean?	11
What do we think?	11
Introducing the Decent Homes Standard to the PRS	12
What do we think?	12
What is missing from the bill?	13
Accessibility	13
Rising Rent Prices	13
What is the bill process?	14
What IL & DR UK are working on? And how can you get involved?	15

Introduction

Deaf and Disabled People in the UK tend to be over-represented in social housing as it is the most affordable and secure housing tenure.¹ However, due to the loss of social housing stock in recent years, the only option for many Disabled people has been to rent privately. 19% of us live in the private rented sector, yet shockingly the EHRC estimates that 1 in 3 Disabled people in private rented properties live in unsuitable accommodation.²

A new law, called the Renters Reform Bill, described as the biggest shake up to housing in 30 years³, has been introduced into parliament on 17th May with the objective of transforming private renting for good. The proposed law, which is currently going through Parliament, is likely to impact the lives of millions of Disabled private renters.

The purpose of this briefing is to give DDPOs an understanding of key parts of this bill which would impact Disabled people. It is structured so that you can choose to only read the sections that interest you the most. If you are only seeking to understand or learn more about certain parts of the bill you can navigate that using our contents page.

This briefing will give you an overview of:

- How the way landlords can evict tenants will change.
- How the proposed Property Portal and Ombudsman could benefit Disabled Tenants.
- What the bill does not cover.
- What happens as the bill passes through parliament and how we can influence it.
- How DDPOs can get involved to influence the bill.

¹ Office for National Statistics. (2019). Disability and housing, UK: 2019. Available at: [Disability and housing, UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/peoplepopulationandcommunity/disabilityandlongtermhealth/briefingsandreports/articles/disabilityandhousinguk2019) Accessed: 12.07.23

² Equality and Human Rights Commission. (2020). Housing and Disabled People. Available at: [housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/wp-content/uploads/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf) Accessed: 12.07.23

³ Department for Levelling Up, Housing and Communities. (2022). New deal for private renters. Available at: [New deal for private renters published today - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/new-deal-for-private-renters) Accessed: 12.07.23

Ending Section 21 Evictions and Assured Shorthold Tenancies

The Renters Reform Bill proposes to ban Section 21 Evictions and end Assured Shorthold Tenancies. This was an election manifesto promise of the Conservative Party in 2019 and has been long awaited.⁴

What does this mean?

The below gives an overview of what Assured Shorthold Tenancies and Section 21 Evictions are, so that we can understand what ending them will mean.

What are Assured Shorthold Tenancies (AST)?

AST are the default type of tenancy agreement that was introduced by the [Housing Act 1988](#). A tenancy agreement is a written contract between a landlord and tenant for a rented property that outlines the terms and conditions of renting a property.

Assured Shorthold Tenancies:

- Usually start with a fixed term agreement e.g., an agreement for the tenant to live in the property for 6 or 12 months.
- After this the landlord can:
 - End the tenancy.
 - Renew the fixed term agreement (put the tenants on another 6- or 12-month contract).
 - Put the tenant onto a rolling contract – this is where the tenancy automatically renews weekly or monthly.

Under the Renters Reform Bill this type of tenancy will end. This means that all tenants will be put under monthly periodic tenancies with no end dates.

⁴ House of Commons Library. (2023). The end of 'no fault' section 21 evictions. Available at: [The end of 'no fault' section 21 evictions - House of Commons Library \(parliament.uk\)](#) Accessed: 14.07.23.

⁵ Shelter. (2023). Assured shorthold tenancies. Available at: [Assured shorthold tenancies \(AST\) - Shelter England](#) Accessed: 14.07.23

What are Section 21 'No Fault' Evictions?

ASTs allow a landlord to use Section 21 evictions as a no-fault eviction process. A Section 21 written notice asks a tenant to leave within 2 months without having to provide a reason.

Landlords can issue this if a tenant is on either:

- A rolling periodic tenancy agreement.
- A fixed term contract with a break clause.

Section 21 notices don't allow landlords to force tenants to leave, they still must obtain a court order.

Under the Renters Reform Bill this type of eviction will no longer exist.

6

What do we think?

Positives:

- Moving to a system of periodic tenancies could positively impact Disabled people by providing more security of tenure.
 - This means that those of us who rent privately aren't forced to move every 6 or 12 months.⁷
- We welcome the removal of Section 21 evictions. They are concerning to us as:
 - Section 21 notices are a leading cause of homelessness.⁸
 - 'Retaliatory/ revenge evictions'
 - Landlords sometimes use Section 21 notices to evict tenants who ask for repairs, home adaptations or better housing conditions.⁹
 - This means tenants are scared to use their rights or make sure their homes are safe for them to live in.

Negatives:

- The bill gives landlords the ability to evict tenants with 2-month notice if they wish to sell the property or the landlord/ their family member wants to move in.
 - However, landlords can still re-let the property after 3 months without any financial penalty.

⁶ Legislation.gov.uk. (1988). Housing Act 1988. Available at: [Housing Act 1988 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1988/29/section/21) Accessed: 14.07.23.

⁷ Shelter. (2022). Types of tenancy agreement. Available at: [Types of tenancy agreement - Shelter England](https://www.shelter.org.uk/tenancy-agreements/types-of-tenancy-agreement) Accessed: 13.07.23

⁸ Shelter. (2023). Section 21 no-fault evictions by bailiffs up 143% in a year. [Section 21 no-fault evictions by bailiffs up 143% in a year - Shelter England](https://www.shelter.org.uk/section-21-no-fault-evictions-by-bailiffs-up-143-in-a-year) Accessed: 13.07.23.

⁹ Shelter. (2023). Renters who complain are twice as likely to be evicted by their landlord. [Renters who complain are twice as likely to be evicted by their landlord - The Big Issue](https://www.shelter.org.uk/renters-who-complain-are-twice-as-likely-to-be-evicted-by-their-landlord) Accessed: 13.07.23.

- This period is too short and could easily be exploited by landlords. This concern has been expressed in [Shelter's briefing](#).

New Types of Evictions

Anti- Social Behaviour

What does this mean?

The Renters Reform Bill proposes to make it easier for landlords to evict tenants displaying anti-social behaviour. This would mean:

- Landlords will have the right **to make a possession claim immediately** if their tenant or anyone visiting their home is engaging in behaviour thought to be anti-social behaviour.
- This is a discretionary ground so landlords will have to prove to the courts that the grounds for eviction are appropriate. The court can then decide.

What is Anti-social behaviour (ASB) in housing?

Currently, ASB is defined in the [Housing Act 1988](#) as:

- 'Conduct causing or **likely to cause** a nuisance or annoyance'.

The Renters Reform Bill proposes to change this to:

- Behaviour '**capable to cause** nuisance or annoyance to a person'.

What do we think?

Increasing the powers of landlords to evict tenants displaying ASB is extremely concerning to us as Disabled people because:

- The definition of ASB is already very open to interpretation and we are concerned the change in definition will only increase this.
 - For example, hoarding can be defined as anti-social behaviour, and we have seen landlords evict tenants citing cooking smell as "anti-social behaviour".

- Neuro-diverse people, those with learning disabilities or experiencing mental distress may show behaviours which could be seen as ‘anti-social’ and there are currently no protections for Disabled people.
- We are concerned this will be misused as a more harmful alternative to Section 21 evictions.

Supported Accommodation

The Renters Reform Bill has introduced a number of new grounds for landlords to evict tenants with a 4 weeks’ notice period in relation to Supported Accommodation, these include if:

- The landlord requires the property to rent it out as supported accommodation if it was meant for this and the current tenant did not enter the property for supported accommodation.
- The funding for the supported accommodation has ended.
- The tenant has unreasonably refused to cooperate with the support service they are provided.

What we think?

We have concerns about the impact that some of these eviction types may have on Disabled people in supported accommodation.

Property Portal

What does this mean?

The Renters Reform Bill proposes introducing a new Property Portal. Exactly what this will look like has not yet been set out. [Guidance published alongside the bill](#) has provided some information. What we know so far:

- This would be a database that landlords would legally be required to register themselves and their properties on.
 - If they rent or advertise a property that has not been registered, they can be fined up to £5000 by the council.
 - If they keep doing it, they could be fined £30,000 or face criminal prosecution.
- The portal will have guidance to help landlords understand their obligations.
- There will be information on the portal which can help tenants decide if they want to rent a property.
 - it will contain certain details related to landlord's offences.¹⁰

What do we think?

Positives:

- This Property Portal could be an opportunity for tenants to understand more about their rights and be made aware of landlords who have committed offences before.
- It could be extremely useful if landlords were forced to include information on accessibility information of the property.
 - This would provide more information for Disabled tenants looking to rent a property in the PRS.
 - It could also help to collect data and information on how many properties are accessible, this would help the case of arguing for more accessible properties.
 - If rent levels were collected it would be helpful for councils to find pressure areas and address them.

Negatives:

As we see with many other enforcement powers local councils have, they often do not have the capacity or funding to use them. Therefore, they become ineffective. We are

¹⁰ Department for Levelling Up, Housing and Communities. (2023) Available at: [Privately Rented Property Portal: Renters \(Reform\) Bill - GOV.UK \(www.gov.uk\)](#). Accessed: 15.07.23

concerned that if councils do not have the ability to make sure that private landlords use the property portal, it will not be useful to Disabled tenants.

Ombudsman for the Private Rented Sector

What this means?

The bill plans to introduce an Ombudsman for the private rented sector.

What is an Ombudsman?

An Ombudsman is a free and independent scheme which is appointed to look into complaints about companies and organisations. Ombudsmen exist across many sectors including local government and social housing regulation.

In social housing, the Housing Ombudsman exists to resolve disagreements between social landlords and tenants.

This might include complaints about disrepair or the behaviour of the landlord.

11

In the guidance that was published alongside the Renters Reform Bill, the government laid out what the Ombudsman could look like:

- The Ombudsman will allow tenants to seek resolution for free, where a landlord has not dealt with a complaint.
- All landlords will have to join the scheme and pay for it.
 - If they do not local councils can use enforcement powers which could be a fine of £5000 up to £30,000, criminal prosecution or a banning order.
- The Ombudsman will have the powers to compel landlords to apologise, provide information, take remedial action or pay compensation up to £25,000.¹²

¹¹ Citizens Advice. (2019). Complaining to an ombudsman. Available at: [Complaining to an ombudsman - Citizens Advice](#)
Accessed: 17/07/23

¹² Department for Levelling Up, Housing and Communities. (2023) Private Rented Sector Ombudsman: Renters (Reform) Bill. Available at: [Private Rented Sector Ombudsman: Renters \(Reform\) Bill - GOV.UK \(www.gov.uk\)](#) Accessed: 17/07/23

What do we think?

Positives:

The private rented sector has fewer official complaints systems than other sectors. Tenants are often reliant on going to court to solve disputes, which can be very expensive.

An Ombudsman scheme would carry much more force on behalf of renters if you could still access court later. Ombudsman schemes are a more “delicate” mediation option, as they ultimately seek to find a settlement between two parties, not justice. This ‘more delicate’ option of the ombudsman could be more effective if both parties know that there is a ‘harder’ option of the court system awaits next if they miss the opportunity to reach an agreed solution.

The ombudsman could also be given powers to launch investigations on its own initiative rather than waiting for someone to complain. Ultimately, this would help it pursue systemic problems and set an independent, reforming agenda rather than just reacting to the case people feel comfortable bringing forward.

Negatives:

Once again, we are concerned that the council will not have the capacity or staff to enforce signing up to the Ombudsman. Furthermore, we know that many Disabled people have had bad experiences with Ombudsmen in other sectors – such as social housing, health and social care or local authorities. In fact, research from the University of Oxford suggests that 60% of people who complained to an Ombudsman service in public body disputes were ‘very unhappy’ with the outcome.¹³

Some Ombudsmen schemes don’t even publish their case decisions which reinforces inequalities and hinders Disabled people’s access to justice – as there is no room to challenge or develop the law (through case law). This is because without published decisions there is not a body of evidence from Ombudsman decisions. This evidence could be used to challenge and change the law. Being able to do this would mean that it doesn’t fall behind the times and gets updated and clarified. Currently it is very unclear how the proposed Ombudsman service will interact with the current legal system.

¹³ University of Oxford. (2016). 60% of people ‘very unhappy’ about ombudsman dealings in public body disputes. Available at: <https://www.ox.ac.uk/news/2016-01-20-60-people-%E2%80%98very-unhappy%E2%80%99-about-ombudsman-dealings-public-body-disputes> Accessed: 31/07/23

What else is to come

In the White Paper '[a fairer private rented sector](#)' published in 2022 the government set out its intentions for the private rented sector.¹⁴ A white paper is a policy document published by the government that sets out their intentions for future legislation.¹⁵

When the government published the Renters Reform Bill there were a few things from this White Paper that were not included in the bill. They did, however, state their commitment to bring forward this legislation at the earliest opportunity.¹⁶

Therefore, we have outlined some of these below:

Ban on 'no DSS' policies

What does this mean?

It would be made illegal for landlords and agents to have bans of renting to people who receive benefits or who have children.

What do we think?

Whilst we welcome this, we do not believe it goes far enough. Discrimination against those receiving benefits can still exist as it is very difficult to prove that a landlord/ agent decided not to rent to you because you are on benefits.

¹⁴Department for Levelling Up, Housing and Communities. (2022). New deal for private renters. Available at: [New deal for private renters published today - GOV.UK \(www.gov.uk\)](#) Accessed: 12.07.23

¹⁵ UK Parliament. (Unknown). White Papers. Available at: [White Papers - UK Parliament](#) Accessed: 12.07.23

¹⁶ Department for Levelling Up, Housing and Communities. (2023). Guide to the Renters Reform Bill. [Guide to the Renters \(Reform\) Bill - GOV.UK \(www.gov.uk\)](#) Accessed: 12.07.23

Introducing the Decent Homes Standard to the PRS

It is suggested that the Decent Homes Standard would be applied to the Private Rented Sector.

What is the Decent Homes Standard?

The Decent Homes Standard is a set of guidelines that outline the minimum standards for housing conditions:

- Currently, it must be followed by social and council landlords only.
- It sets standards for housing related to disrepair, insulation, and heating.

What do we think?

In 2021 the English Housing Survey estimated that 23% of PRS homes did not meet the Decent Homes Standard. This is over twice the amount of non-Decent homes in social housing.¹⁷

Therefore, we welcome the opportunity to introduce the Decent Homes Standard to the Private Rented Sector.

However, in order for homes to be decent and safe, they need to be accessible to us. The Decent Homes Standard does not go far enough to ensure that we, as Disabled people, do not experience accessibility barriers in our own homes.

DR UK [responded to the 2022 Decent Homes Standard consultation](#) asking for an anticipatory duty on landlords regarding home adaptations and accessibility. This means that landlords must consider what Disabled renters need in terms of their access requirements, including how to make their homes and communication accessible, before Disabled renters have to make them aware of it.¹⁸ In addition to that, councils must be given the powers and funding to establish efficient, knowledgeable and proactive housing teams.¹⁹

¹⁷ House of Commons Library. (2022). Housing conditions in the private rented sector (England). Available at: [Housing conditions in the private rented sector \(England\) - House of Commons Library \(parliament.uk\)](#) Accessed: 19/07/23

¹⁸ Citizens Advice. (Unknown). Discrimination in the provision of goods and services – duty to make reasonable adjustments. Available at: [Discrimination in the provision of goods and services - duty to make reasonable adjustments - Citizens Advice](#) Accessed: 19/07/23

¹⁹ Disability Rights UK. (2022). DR UK demands a more accessible housing system. Available at: [DR UK demands a more accessible housing system | Disability Rights UK](#) Accessed: 18/07/23

What is missing from the bill?

Accessibility

There are no measures in the bill that improve the accessibility or adaptability of homes – no improvements to the Disabled Facilities Grant.

Rising Rent Prices

The bill does not currently give any protections to tenants against rent increases, and we are concerned that this is a significant loophole in the legislation that will still allow landlords to push tenants out of their homes.

The bill doesn't prevent landlords from giving yearly rent increases to tenants who will still be able to raise rents by providing tenants with a two months' notice period.

Currently the only way tenants have to challenge rent increases is by going to a First Tier Tribunal (like a court). However, the First-tier Tribunal checks if the rent increase is in line with market value rents in the area. If the Tribunal decides that market rent is actually above the rent increase the landlord set out, they can rule to increase it. This means that by going to the Tribunal, tenants might be in some cases worse-off financially rather than better-off. This discourages many from going forward with the process at all.

What is the bill process?

The below is a brief explanation of what the bill process looks like. This is so that we can understand how we can make a difference and influence the bill.

For a bill in the House of Commons to become law, it must pass through the following stages:

1. **First reading**

- This is a formality and happens without debate.
- For the Renters Reform Bill, this happened 17th May 2023.

2. **Second reading**

- The first opportunity for MPs to debate the main principles of the bill.

3. **Committee stage**

- Where a detailed examination of the bill takes place.
- This is the stage where MPs can significantly amend the legislation.
 - o Therefore, we should prepare evidence of the issues Disabled people could face because of this bill for this stage.

4. **Report stage**

- This is the most important stage for organisations like ours as during this stage, all MPs can suggest amendments to the bill or new clauses (parts) they think should be added.

5. **Third reading**

- the final chance for the Commons to debate the contents of a Bill.

What happens after the third reading?

If the bill starts in the House of Commons, it goes to the House of Lords for its first reading. If the bill started in the House of Lords, it returns to the House of Lords to consider any amendments the Commons has made.

What IL & DR UK are working on? And how can you get involved?

There are many ways you can work with Inclusion London and Disability Rights UK to make sure that the Renters Reform Bill protects Disabled Tenants.

Renters Reform Bill Meeting

What: We want to hear from DDPOs. This session will give an overview of what is changing with the bill and how it could impact Disabled tenants. We want to hear from DDPOs: What concerns you most? What should we be focusing on? How would you like to work with us?

When: 9th August 2023 11am

Where: Online

How to sign up: [Register on zoom by clicking here.](#)

Joint DDPO Briefings

We are working on a joint DDPO Briefing for policymakers based on this document. We want to share this so that MPs, local authorities and policymakers understand how the bill will affect Disabled people. We welcome your feedback at our meeting and in other settings. And would love it if you added your organisation's name to the briefing and shared it with local politicians and policymakers.

Case Studies

It is important that we can show politicians the ways in which this bill will impact us as Disabled people. A strong way of doing this is to provide evidence in the form of case studies that shows the problems with the bill. Therefore, if you or someone you work with would like to speak to us about any of the following, please let us know:

- Any experiences of being evicted on grounds of Anti-social behaviour in either the private or social rented sector as a Disabled person.
- The difficulties of finding an accessible home in the Private Rented Sector.
- Trying to access Disabled Facilities Grants or home adaptations in the PRS.

If you would like to support our work, learn more about it, or have questions, please get in touch. You can email:

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