

Renters (Reform) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

LORD CARRINGTON

Clause 2, page 2, line 29, at end insert –

- “(c) Section 21 of the 1988 Act shall remain in force until such time as proceedings for an order of possession under section 21 of the 1988 Act take on average over the preceding 6-month period, no longer than 13 weeks from application to repossession.”

Member's explanatory statement

This amendment would ensure that Assured Shorthold Tenancies and the availability of section 21 of the 1988 Act remain in place until such a time that the courts are reformed and wait times are in line with the target timeframes set out by the Civil Procedure Rules.

After Clause 3

LORD YOUNG OF COOKHAM

After Clause 3, insert the following new Clause –

“Fixed term tenancies for lettings to students

- (1) Paragraph 8 of Schedule 1 to the 1988 Act is amended as follows.
- (2) In sub-paragraph (1), for “or body of persons” substitute “, body of persons, or by a private sector residential landlord who has signed up to a specified code of conduct”.
- (3) In sub-paragraph (3) for “in the exercise of the power conferred by sub-paragraph (2) above” substitute “under this paragraph”.
- (4) After sub-paragraph (3) insert –
 - “(4) In sub-paragraph (1) “specified code of conduct” means such code of conduct as the Secretary of State approves or causes to be published by way of regulations made under this paragraph.””

Member's explanatory statement

This amendment would allow any private-sector landlord letting to students who subscribes to an approved code of conduct to offer a fixed term tenancy.

Schedule 1

LORD CARRINGTON

Schedule 1, page 150, line 10, after “landlords,” insert “as a service occupant or”

LORD CARRINGTON

Schedule 1, page 150, line 13, at end insert –

“For the purposes of this ground, “service occupant” has the same meaning as an employee as set out in section 145(4)(a) and (b) of the Income and Corporation Taxes Act 1988.”

Member's explanatory statement

This amendment would allow possession where the property is required for housing a person who, for the better performance of their duties of work, is required to be, or is by custom, housed by their employer. This mirrors the definition set out in the Income and Corporation Taxes Act 1988.

LORD CARRINGTON

Schedule 1, page 154, line 42, at end insert –

“(3A) In the first unnumbered paragraph, after the words “to carry out substantial works on the dwelling-house or any part thereof or any building of which it forms part” insert “including to comply with the landlord’s statutory obligations”.”

Member's explanatory statement

This amendment would give clarity that possession is allowed where the landlord is required to complete works to comply with statutory duties such as Minimum Energy Efficiency Standards, Electrical Safety, or a future Decent Homes Standard.

LORD CARRINGTON

Schedule 1, page 158, line 15, at end insert –

“New ground for possession for property which is needed to house a protected tenant

24A After Ground 9 insert –

“Ground 9A

The landlord seeking possession requires the dwelling-house for the purpose of housing a person who either –

- (a) was employed by the landlord, or in the case of joint landlords seeking possession, by at least one of those landlords, and the landlord has an ongoing statutory duty to house the former employee after the job has ended, or
- (b) has a protected or statutory tenancy under the Rent Act 1977.””

Member's explanatory statement

This amendment allows possession of a property where it is needed for the landlord/s to provide Suitable Alternative Accommodation to tenants whom the landlord has a lifetime duty to house.

LORD CARRINGTON

Schedule 1, page 158, line 15, at end insert –

“New ground for possession for property which is needed to house a protected tenant

24A After Ground 12 insert –

“Ground 12A

The landlord is seeking possession due to the persistent refusal by the tenant to allow the landlord (or their agents) access to comply with statutory obligations and –

- (a) access has been refused on three separate occasions, and
- (b) there is no provision for the landlord to exempt themselves from their statutory obligations.””

Member's explanatory statement

This amendment would make clear that possession can be granted where a tenant persistently refuses access to the property in instances where the landlord needs to comply with statutory obligations such as Electrical Safety, Gas Safety, and a future Decent Homes Standard.

After Clause 9

BARONESS LISTER OF BURTERSETT
LORD YOUNG OF COOKHAM

After Clause 9, insert the following new Clause –

“Limit to amount of rent payable in advance

In Schedule 1 to the Tenant Fees Act 2019, after paragraph 1(1) insert –

- “(2) If an amount of rent payable in advance of any period of the tenancy exceeds a sum equivalent to one month’s rent, the amount of the excess is a prohibited payment.””

Member's explanatory statement

The amendment aims to strengthen the protections for tenants against discrimination in the private rented sector by limiting the amount of rent in advance that can be legitimately requested by a landlord to one month’s rent.

After Clause 11

BARONESS LISTER OF BURTERSETT
LORD YOUNG OF COOKHAM

After Clause 11, insert the following new Clause –

“Prohibition of requirement to obtain a guarantor in certain circumstances

- (1) A relevant person must not, in the circumstances set out in subsection (2), require a person, as a condition of the grant of a relevant tenancy, to obtain a guarantor in relation to the observance or performance of the tenant’s obligations under the tenancy.
- (2) The circumstances are –
 - (a) that the person has paid a tenancy deposit or has been assisted under a local deposit scheme,
 - (b) that the person is required to pay rent in advance in excess of one month’s rent,
 - (c) that on a reasonable assessment of their means the person’s income (inclusive of any state benefits received and any other lawful source of income) is sufficient to enable them to pay the full rent due under the tenancy,
 - (d) that arrangements will be made for housing benefit or the housing element of universal credit to be paid directly in respect of rent to a relevant person,
 - (e) that the relevant person has entered into a contract of insurance under which they are insured against non-payment of rent, or
 - (f) such other circumstances as may be prescribed in regulations by the Secretary of State.
- (3) In any other case where a relevant person lawfully requires a person, as a condition of the grant of a relevant tenancy, to obtain a guarantor, the sum for which the guarantor may become liable under the relevant guarantee may not exceed a sum equal to six months’ rent.
- (4) In this section –
 - a “guarantor” is a person who enters into a guarantee in relation to a relevant tenancy;
 - a “local deposit scheme” is a scheme whereby a sum payable by way of deposit or an insurance bond or guarantee is provided by a local authority, registered charity or voluntary organisation for the purpose of providing security to a landlord for the performance of a tenant’s obligations under a tenancy;
 - “tenancy deposit” has the same meaning as in section 212(8) of the Housing Act 2004.”

Member’s explanatory statement

The amendment aims to strengthen the protections for tenants against discrimination in the private rented sector by restricting the scenarios in which a landlord can legitimately request a guarantor.

Clause 32

BARONESS LISTER OF BURTERSETT
LORD YOUNG OF COOKHAM

Clause 32, page 40, line 41, at beginning insert “Subject to subsection (5A)”

Member's explanatory statement

This amendment, along with others in my name, removes the requirement to prove intent in discrimination cases where a landlord has been found to be in breach of the prohibition on blanket bans against families with children and renters in receipt of benefits and add provisions for additional financial penalties.

BARONESS LISTER OF BURTERSETT
LORD YOUNG OF COOKHAM

Clause 32, page 40, line 42, at end insert –

“(5A) If the authority is satisfied that in the circumstances referred to in section 30(1)(b) and section 31(1)(b) respectively, the relevant person adopted the provision criterion or practice in order to achieve the effect described in either of those subsections, the amount of the financial penalty is not to be more than £10,000.”

Member's explanatory statement

This amendment, along with others in my name, removes the requirement to prove intent in discrimination cases where a landlord has been found to be in breach of the prohibition on blanket bans against families with children and renters in receipt of benefits and add provisions for additional financial penalties.

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