

## **Response to a 'call for evidence' from the House of Commons Public Bill Committee on proposals within the Renters Right Bill.**

October 22, 2024.

### 1.0 Introduction.

1.1 This response to the Committee's call for evidence represents the views of front line advice staff working with clients threatened with homelessness or actually homeless across Warwickshire - from Citizens Advice South Warwickshire (CASW), North Warwickshire Citizens Advice (NWCA), and Bedworth, Rugby and Nuneaton CA ('Brancab').

1.2 Housing and homelessness issues continue to be the third most prominent enquiry area across the county of Warwickshire over the previous 6 months; behind only 'Benefits & Tax Credits' and 'Debt' (and ahead of Universal Credit queries).

1.3 Within that broad 'housing and homelessness' headline category, the number of clients who have come to us with issues that fall within the more specific 'threatened with homelessness' or 'actually homeless' categories has also continued to rise.

1.4 The brief responses below represent the views and experiences of front line staff who deal with these clients.

### 2.0 Overview of the Bill.

2.1 Our front line staff believe the new Bill, if positive amendments are adopted and potential loopholes addressed, could represent a huge step in redressing the current stark imbalance of power between tenants and landlords; stabilising the rental sector and challenging the growing 'insecurity of tenure' that currently prevails.

2.2 The top five positives, among many, identified by our front line staff include the following:

1. The abolition of ASTs and their replacement with longer term fixed tenancies.
2. The abolition of 'Section 21 no fault evictions' as currently in operation.
3. The introduction of a statutory 4-month notice period for evictions.
4. The limiting of rent rises to one per year, subject to reasonable challenge.
5. The increase in enforcement powers for local authorities.

### 3.0 Main Concerns.

3.1 While our advisers identified numerous positive proposals within the Bill they also identified concerns. These included the following:

- a. A potential lack of local authority capacity-resource to enforce new rights; especially to take costly and time-consuming court enforcement action.

- b. A potential lack of 'wherewithal' among tenants to be aware of, understand or be able to exercise their newly acquired rights - eg use of Rent Repayment Orders as well as more mundane rights.
- c. Arguably inadequate sanctions for landlords for non-compliance with post-eviction 'restricted period' rules - focusing mainly, but not exclusively, on the £7k fine non-compliance and who would monitor, report and enforce it.
- d. A potential lack of clarity around who counts as being 'on benefits' with respect to the prevention of 'no DSS' discrimination practices. Does it include, for example, those applying for benefits and/or those challenging a decision to end existing entitlement; and which benefits are relevant - eg only means-tested benefits, disability benefits, ?
- e. A potential lack of clarity on how the Landlord Database would work and be managed. For example, there are thoughts that it could be used, in part, as a receptacle for 'tenant testimonials' about landlord performance.
- f. A concern that extension and codification of waiting periods and other restrictions on the 'easy' flow of tenants in and out of properties could encourage 'underground' payments (bribes from landlords or demands from tenants to circumvent the official processes).
- g. A concern, from some, that increased regulation could encourage some landlords to leave the sector (though, equally, some felt that only small non-compliant landlords would leave and if that happened it would create opportunities for others, including local authorities to build their housing portfolios).
- h. A concern that increased regulation could encourage landlords to find other ways to indirectly discriminate against vulnerable groups. We have already heard of the use of various mechanisms - such as a requirement to have a guarantor, or have an annual income far higher than is actually necessary to afford a property, or to pay a whole year's rent upfront - to circumvent the letter of current discrimination rules.
- i. Finally, a widespread concern that applying the 'decent homes standard' to the private sector, without revising it to include the provision of essential furniture and white goods would be an unjustifiable missed opportunity.

#### 4.0 Recommendations for Amendments.

4.1 While our front line staff would support any measures which address the concerns highlighted above 3 specific asks did emerge:

1. With regard to the meaningful challenging of annual rent rises our staff believe that a Tribunal benchmark needs to be used for adjudicating 'market rents' to ensure they are fair and accurate.
2. With respect to the application of new 'no fault' grounds for eviction in the future these should be discretionary, that is open to judicial discretion, rather than mandatory.
3. With respect to efforts to end so-called "bidding wars" among tenants eager to secure a favourable property, encouraged and facilitated by landlords equally eager to maximise their income, "up front payments" such as rent-in-advance requests - should be limited to 1 month's rent.

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