

Written evidence submitted by Domestic Abuse Housing Alliance to The Renters' Rights Public Bill Committee (RRB81)

Domestic Abuse Housing Alliance: DAHA are an alliance of over 150 members of housing associations and local authorities with a shared vision for a future where every victim/survivor can choose a home where they are safe and live free from domestic abuse. Together, we are on a mission to improve the housing sector's response to domestic abuse. DAHA is a programme managed and hosted by [Standing Together Against Domestic Abuse](#) national charity bringing communities together to end domestic abuse.

1. Executive Summary

DAHA, with Standing Together, welcome the Renters' Rights Bill which goes a long way to redress the balance between landlord and tenant. Our priority is to consider how the Bill may impact on victims/survivors of domestic abuse, including children, and so we submit here observations and considerations for the Committee when seeing the Bill through a domestic abuse lens. We have included evidence to support the immediate end to s.21 evictions and to support the recommendation for a clear definition of anti-social behaviour (ASB) and the need for a pre-eviction protocol.

In brief:

1.1 Ending Section 21 'No-Fault' Evictions:

The Bill's move to abolish Section 21 evictions is a positive step towards improving housing security and we support its immediate implementation. The elimination of Section 21 evictions is a landmark change that addresses a major driver of homelessness. This reform will allow tenants to feel more secure in their homes without the looming threat of unfair evictions. Below we submit evidence countering the assertion that landlords will leave the market if s.21 no-fault evictions are banned. See section 2, page 3 below.

1.2 End of fixed-term tenancies is welcomed, not least because it creates a much simpler tenancy structure, offering greater flexibility for domestic abuse survivors choosing to flee their abusers.

While the end of fixed-term tenancies does allow this greater flexibility, survivors of abuse may still face threats of eviction if their tenancy becomes destabilised due to domestic and economic abuse. **Protections must be strengthened** to ensure that survivors are not disproportionately affected by landlords seeking possession under other grounds, such as the sale of the property or for personal use.

We are concerned, too, that the Bill will bring in changes which require tenants to give two months' notice to leave their homes, as opposed to one month under our current system. A longer period to vacate a property could prevent survivors from moving quickly if they believe they must give such long notice. We ask the government to maintain the current one-month requirement for tenants to give when leaving their home. This gives landlords ample time to find new tenants and removes this barrier for survivors.

1.3 New possession grounds and minimum tenancy requirements:

The extension of the minimum notice period for possession under 'landlord need' grounds to four months, and the restriction on using these grounds in the first 12 months, is welcomed. However, for domestic abuse survivors, even these protections may not be sufficient.

Survivors often face urgent and unpredictable housing needs, and they should be prioritised for emergency housing support where landlords seek possession. A **more flexible approach** for survivors, particularly those in immediate danger, is essential to prevent homelessness and further trauma.

1.4 Greater breathing space for survivors of abuse in rent arrears:

We welcome the change in the Bill to increase the amount owed before a tenant can face an eviction from two months to three. This is a positive move which will afford survivors of abuse, the vast majority of whom are subjected to economic abuse, much-needed breathing space in remaining in their homes for longer and finding support which will help them to pay off their arrears.

The Bill, however, should go further to ensure that victims and survivors are not evicted from their homes because of economic abuse. We call for **the removal of the mandatory rent arrears ground**, ground 8, entirely, meaning that all rent arrear evictions would go through the discretionary grounds, 10 & 11, ensuring that extenuating and personal circumstances, such as domestic and economic abuse, could be considered in all eviction proceedings.

1.5 Rent increases and survivors' economic stability:

Domestic abuse often leaves survivors in financially precarious situations. Provisions allowing tenants to challenge excessive rent increases are a step in the right direction, but further safeguards should be introduced to protect survivors from sudden and unaffordable rent hikes. Many survivors already face economic abuse, where control over finances is used as a tool by abusers. To mitigate this, we recommend that protections are strengthened for all renters by placing a cap to in-tenancy rent increases at the lowest of inflation or wage growth alongside investment in Local Housing Allowance and removal of the benefit cap as measures to address affordability.

1.6 Application of the Decent Homes Standard (DHS) and Awaab's Law:

We welcome the extension of the Decent Homes Standard and Awaab's Law to the PRS. Domestic abuse survivors are often forced to endure unsafe and unfit living conditions due to their abusers' financial control or coercion. These new standards must be rigorously enforced to ensure that survivors have access to safe, healthy homes. Clear pathways must be established for survivors to report housing issues confidentially, without fear of retaliation or eviction.

1.7 Local authority powers and enforcement:

The strengthening of local authority investigatory and enforcement powers is crucial, particularly in cases involving domestic abuse survivors. Survivors may be reluctant to report issues or challenge landlords due to fear of further victimisation. Local authorities must equip their work force to recognise domestic abuse and coercive and controlling behaviour, so to better support survivors in these situations. Ensuring that local authorities are well-resourced to identify and act upon housing violations, especially where they intersect with domestic abuse, is vital to ensuring safe housing for survivors.

1.8 A Private Rented Sector Database:

The introduction of a digital PRS Database is a positive development, offering greater transparency and better access to information for tenants. The database could also include information and resources for survivors, ensuring they know their rights and how to access support.

2. Evidence to support the immediate implementation of end of s.21 “no fault” evictions.

We support the Government’s intention to implement the end of s.21 immediately.

Any further delays in implementing the end of section 21 evictions would have real and serious consequences for victims of domestic abuse and for local authorities:

Survivors of domestic abuse can be left at risk of homelessness and prevents them from recovering from the trauma they have experienced. The impacts can include a risk of a return to the perpetrator and on-going abuse that is likely to escalate in frequency and severity, increasing risk of serious harm or homicide, and serious impacts on mental health leading to serious harm including suicide. Usefully, the previous Government identified the link between suicide and domestic abuse in their [Suicide Prevention Strategy](#) published in September 2023.

A case study highlighting this issue was provided by one of our DAHA member providers:

Kimberley (not her real name) had lived in a privately rented property with her husband and young child for several years, the tenancy was in her sole name as she had lived there prior to the marriage.

Following a serious assault and threats to kill by the husband, he left the property and bail conditions prevented him from returning. The landlord refused to change the locks to the property and Kimberley was forced to arrange for this to be done and paid for herself.

The property was so poorly managed by the landlord that there was extensive mould and damp, which exacerbated her child’s asthma, in addition the property experienced recurrent mice infestations. These were reported to the landlord, who refused to do any repairs. The local authority issued the landlord with an improvement notice, upon receipt of which he issued Kimberley with a s21 notice.

Kimberley faced the stress of being made homeless with a young child, through no fault of her own, on top of the ongoing stress caused by upcoming court case for the domestic abuse. Due to economic abuse Kimberley was unable to rent another privately rented property without a guarantor. She felt ashamed of her situation and did not share this with family or friends.

The outcome of the situation was that Kimberley took an overdose, as she could see no other way out. Fortunately, she was discovered in time and survived the attempt and help was put in place.

2.1 Evidence from Wales

In January 2023 the leading Housing publication “Inside Housing” reported that:

“Pembrokeshire County Council said its projections for 2022-23 showed that 492 people will present as homeless as a result of being issued with a Section 21 notice. This is a 90% increase on the previous year, when 258 were evicted” going on to report “The total number of homeless presentations have also increased significantly, with mid-year estimates confirming a 79% increase in a five-year period. As of March 2022, Pembrokeshire Council had 418 people in temporary accommodation, a 435% increase from the same month in 2019.” and told us that “The surge in no-fault evictions is partly down to.... anticipation of the impact that new Welsh rental reforms might have on the sector, the local authority said”.

On 9 November 2023, colleagues at [Crisis](#) shared new figures that show that 8,747 people in England and Wales were served with a Section 21 or a ‘no-fault’ eviction notice – a 32% increase (an increase of 2,131 households) from this time last year. We therefore can see the same pattern that we saw in Wales where landlords are rapidly serving no-fault eviction notices in anticipation of the Renters’

Rights Bill. The impact on the most vulnerable people in society is enormously negative, for some, catastrophic. This includes victims of domestic abuse and their children who have already, often, fled their homes once and now must find a new home for themselves and their children – possibly uprooting them from their schools and support networks. The impact on local authorities – many of whom are already buckling both financially and with threadbare resources – will be dangerous and counter-intuitive for the government.

2.2 Evidence regarding constriction of PRS because removal of s.21

We heard in the 2nd Reading debate and in early Committee sittings of concerns that the private rental sector will constrict without the option of no-fault evictions. We draw the Committee’s attention to the research by the [Social Market Foundation](#) which found little evidence of a negative impact on the private rental market across several countries and continents. We would highlight:

“The Scottish Parliament effectively banned no-fault evictions in 2017, yet its private rented sector grew at a faster rate between March 2018 and March 2020 than England’s. The two had been following similar trends up to that point. This is especially striking as Scotland’s ban on no-fault evictions occurred at the same time as large-scale protections for renters were introduced.^[ii]”

Gideon Salutin, SMF Researcher, says:

“The argument that the rental sector will contract under regulations which protect renters is based on faulty economics which ignore the role renters play in the market.”

“There appears to be no correlation between an increase in rental protections and a decrease in rental properties. In fact, the opposite may be true, as stronger protections attract more renters, increasing demand and normalising renting over the long term.”

3. Anti-Social Behaviour – A Definition of ASB

3.1 We strongly recommend that the Government provides a new clear definition of anti-social behaviour within the Bill. Anti-social behaviour is currently defined as **'Conduct that has caused or is likely to cause, harassment, alarm or distress to any person' (Section 105(4) of the Anti-Social Behaviour, Crime and Policing Act 2014)**. This definition of ASB is open to interpretation based on personal tolerance and perceptions that may not recognise when the ASB is rooted in domestic abuse and treated as the perpetrator of ASB is in fact the victim of domestic abuse. The definition must be accompanied by detailed advice on structured discretion that landlords can expect from judges and should include a clear differentiation between ASB and domestic abuse.

3.2 Victims of domestic abuse are often held responsible for the anti-social behaviour caused by their perpetrator, for example they are often accused of “letting” their abuser(s) back into the property. As a result, victims of domestic abuse are four times more likely to have an anti-social complaint made against them. There is a clear failure to recognise and acknowledge the dynamics of coercive control, where the perpetrator controls their victim’s behaviour through fear, threat, or intimidation. Coercive control is included in the statutory definition of domestic abuse (Domestic Abuse Act 2021) and housing professionals and landlords need to receive appropriate guidance and training to understand the dynamics of domestic abuse and how to safely respond when their tenants are at serious risk of harm.

3.3 In one DHR (no longer available to view but relating to the murder of a woman in Bexhill on Sea) we heard how neighbours made complaints regarding noise of an ex-partner knocking on the victim’s

door in the night. The landlord wrote to the victim (the tenant) threatening eviction on more than one occasion following similar complaints, so missing opportunities for the landlord to talk to the victim and enable a disclosure of the abuse. Less than a month after receiving one such letter the victim was murdered by the perpetrator whom she so feared.

3.4 We want to highlight that an increasing number of victims and survivors of domestic abuse are placed in the PRS after leaving their abuser(s) due to a chronic lack of social housing, however, private landlords and managing agents do not have the same training and knowledge about domestic abuse as social landlords do. There is therefore a serious risk that private landlords and managing agents will not recognise ASB complaints as potential indicators of domestic abuse and will proceed with eviction proceedings without investigating the situation and referring to specialist services who can offer support to potential victim. DAHA is currently working to address this through the development of an **accreditation framework for PRS landlords** to include advice, guidance and training to identify domestic abuse early and respond effectively and safely within the context of a coordinated community response (CCR)

3.5 Our recommendations regarding eviction on the ground of anti-social behaviour (ground 14):

- i. An amendment should be introduced to clarify that anti-social behaviour caused because of the behaviour of a perpetrator of domestic abuse should not lead to eviction of their victim of the domestic abuse.
- ii. An amendment to require landlords and managing agents to follow a **pre-eviction protocol** to ensure that complaints of antisocial behaviour have been investigated and where a potential link to domestic abuse is identified, victims have been offered support and guidance including referrals to domestic abuse services.
- iii. Government should provide a clear definition of anti-social behaviour within the Bill, as well as guidance on structured discretion that landlords can expect from judges, and guidance for landlords, managing agents and judges to enable them to identify domestic abuse linked with antisocial behaviour reports.

3.6 Ground 14A – Eviction of Perpetrator of Domestic Abuse: This new Ground is welcomed however consideration should be given to extending this to “A social landlord wishes to evict the perpetrator of domestic violence if the partner has fled and is unlikely to return **or wishes to return where safe to do so following the eviction of the perpetrator of abuse**”.

4. Eviction for repeated rent arrears

Eviction due to rent arrears will directly impact victims of domestic abuse who are more likely to accumulate rent arrears due to economic abuse and due to the economic impact of fleeing domestic abuse¹. Economic abuse is a form of domestic abuse included in the statutory definition of domestic abuse (Domestic Abuse Act 2021), it directly impacts victims’ ability to afford rent and other necessary living expenses.

A case study provided by Pride of Romani, a community organisation in Cheshire, highlights this issue: the survivor had a private tenancy in her name, however her abusive partner caused serious damage to the property, smashing windows and doors, and causing antisocial behaviour on multiple occasions. He moved in with her without paying rent, and over the years of abuse she started to build considerable rent arrears which led the landlord to seek eviction in court without offering any kind of help or referral to support services. This eviction impacted her future housing situation as other landlords including private and social landlords would ask about previous evictions and rent arrears.

¹ Gentoo & SafeLives. Safe at Home: The case for a response to domestic abuse by housing providers (2018), p.36-37. <https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20Report.pdf>

This example which is representative of many cases that domestic abuse services see daily shows the need to provide more flexibility, support and consideration of personal circumstances when dealing with rent arrears.

4.1 Our recommendations regarding eviction due to rent arrears include:

- i. Any possession grounds for rent arrears should require landlords and managing agents to **follow a pre-eviction protocol** to ensure that repeated rent arrears have been investigated and where a potential link to domestic abuse is identified and victims have been offered support including referrals to domestic abuse services.
- ii. Secondary legislation needs to introduce **clear guidance for landlords**, managing agents and judges to enable them to identify domestic abuse linked with rent arrears.

Submitted by [DAHA](#)

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