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Landlords will be forbidden from evicting tenants for no reason – but reform has only just begun

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No place like home. Shutterstock.

Change is coming. Soon, private tenants in England will have the security they need to call their rented house a home. The UK government has announced plans to abolish “no fault” Section 21 evictions in England, meaning that landlords will no longer be able to evict tenants – without a legitimate reason.

Nearly one in five households in England live in the private rented sector. At present, no fault evictions cause significant insecurity for tenants, as well as negative impacts on mental health and well-being. So an end to Section 21 will have a real, positive impact on millions of households, preventing them from being uprooted at short notice. It could also help to prevent homelessness, since the biggest single cause is the ending of a tenancy in the private sector.

As waiting lists for social housing grow, the private rented sector is accommodating more vulnerable and low-income households, as well as growing numbers of families with children. Yet research shows that insecure tenancies aren’t the only challenge facing private tenants. Poor quality and unaffordable housing remain key concerns, right across the UK.

A state of disrepair

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The latest government statistics show that one in four privately rented houses in England did not meet the government's own standards for decent homes. This means that around 1.1m private renters are living in homes which contain dangerous hazards, are not in a reasonable state of repair, or lack suitable heating.

With Section 21 in place, tenants are vulnerable to “revenge evictions” if they complain about poor conditions in their homes. Citizens Advice found that tenants had a 46% chance of being served a Section 21 notice if they complained to the local council about their landlord.

Ending Section 21 should give tenants more confidence to speak out against dangers, without the threat of losing their home. But this will depend on whether councils have the funding needed to enforce standards and compel landlords to carry out repairs.

Historically, enforcement has been a postcode lottery and landlords are rarely prosecuted. In the context of austerity, where local councils have seen spending cuts of up to 40% since 2009/10, there's little to indicate that more consistent enforcement will be possible.

Rent controls and reclamation

Tenants also face issues of affordability; particularly vulnerable, single parent families and low-income renters. This issue has worsened due to the housing benefit freeze, which has kept allowances at the same rate since 2016, while rents have continued to rise, meaning families are facing considerable hardships.

Read more: Housing benefit freeze still driving tenants from their homes, despite Universal Credit reforms

Even with the reforms to Section 21, it would still be possible for landlords to take advantage of affordability issues, and unreasonably increase the rent to force tenants out of their home. Appropriate safeguards must be in place to stop this from happening.

Rent stabilisation measures – like those in place across much of Europe – are one solution. These measures, which can restrict when rent can be increased, or by how much, are even supported by nine out of ten landlords in England and Wales.



Berlin is well known for its rent controls. Shutterstock.

Reforms need to be introduced carefully, to minimise any unintended consequences. For example, landlords might become more risk averse, which could lead to **greater discrimination** against tenants who claim benefits. Or, they could decide to let their property on Airbnb instead.

Read more: Airbnb and the short-term rental revolution – how English cities are suffering

So the government’s proposed reforms to the court process and Section 8 are vital, to give landlords confidence that they can reclaim possession of their property quickly, for legitimate reasons. This will help to ensure that good landlords have the support needed to continue letting out safe and secure homes.

Learning from Scotland

Clearly, ending Section 21 is only the first step on a long path of reforms needed to modernise the private rented sector. But English lawmakers can look to Scotland for a good example of how to tackle all the different challenges facing the private rented sector in a joined-up way.

There, all new private tenancies since December 2017 are “private residential tenancies”. They are open-ended, meaning the tenant can remain in the property as long as they wish, unless the landlord uses one of the 18 grounds for eviction, such as wishing to sell the property. When this happens, the amount of notice required varies depending on how long the tenant has lived there and the grounds for eviction used.

Rent increases are restricted to once a year, and can be referred to a “rent officer” to adjudicate. Local authorities can also apply to the Scottish government to limit rent increases in specific areas.

Private tenants can take complaints to the new housing tribunal for free, without needing a solicitor to represent them. It is designed to be less adversarial than the court process. Among its many powers, the tribunal can serve a Repairing Standard Enforcement Order on landlords, which specifies work the landlord must undertake to ensure the property meets the “repairing standard”.

Though these reforms are still in their infancy, and by no means perfect, they show how security of tenure is only one element of a modernised sector. Other parts of the UK would do well to learn from the different approaches, all while collecting evidence on what works, sharing experiences and supporting tenants and landlords to understand their new rights and responsibilities.

Ending the “no fault” ground for eviction is vital for tenants to be able to put down roots, feel settled and make their private rented property a home. But reform can’t stop there.

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