

Secure Tenancies (Victims of Domestic Abuse) Bill [HL] HL Bill 76 of 2017–19

Summary

The [Secure Tenancies \(Victims of Domestic Abuse\) Bill \[HL\]](#) is a government bill introduced in the House of Lords on 19 December 2017. This short Bill would amend recent changes to the law on secure tenancies for social housing tenants. This Library Briefing is prepared ahead of the second reading of the Bill in the House of Lords on 9 January 2018.

Schedule 7 of the Housing and Planning Act 2016, once in force, will require that new secure tenancies may only be offered for a period lasting between two and ten years, with some exceptions.¹ During scrutiny of the Housing and Planning Bill in the House of Lords, concerns were raised that, as a result of this change to the law, those fleeing domestic violence might lose their life-time tenancy when they were rehoused.² The Secure Tenancies (Victims of Domestic Abuse) Bill [HL] would seek to prevent this by making it a requirement that social housing tenants in England who currently have a life-time tenancy and are fleeing domestic violence be granted a similar life-time tenancy in their new home.³ This would apply to both people re-housed in local authority and in housing association properties. The Government has argued that the provisions in the Bill will prevent the possibility that an individual might lose a life-time tenancy acting as a disincentive to leaving an abusive partner.⁴ The Government has also argued that this legislation would provide increased security and stability to those fleeing domestic violence when they are rehoused.

Background: Housing and Planning Bill

In 2015, the Conservative Government, then led by David Cameron, tabled a series of amendments to the Housing and Planning Bill during its passage through the House of Commons. This included a new requirement for local authorities to offer fixed-term secure tenancies to social housing tenants, thereby phasing out life-time secure tenancies.⁵ The Government argued this was necessary because life-time tenancies were not an efficient use of social housing. It also argued that local authority landlords would be better able to provide social housing to those most in need if fixed-term secure tenancies were phased out. However, the Government proposed that certain exceptions be made in the legislation.⁶ The Secretary of State would be given the power to set out in regulations various circumstances in which local authority landlords might have discretion to continue to provide 'old-style' life-time tenancies.

Scrutiny in the Lords

When the Housing and Planning Bill was scrutinised in the House of Lords, concerns were raised regarding how this change might affect vulnerable social housing tenants, including those fleeing domestic violence.⁷ During committee stage, Baroness Lister of Burtersett (Labour) tabled an amendment that would have exempted those who gave up an old-style secure tenancy because they were fleeing domestic violence from the requirement to be granted a new fixed-term secure tenancy.⁸

The then Government Whip, Baroness Evans of Bowes Park, responded that the Government would consider giving local authorities the discretion to grant old-style secure tenancies to the victims of domestic violence in these circumstances when it drafted the regulations.⁹

Baroness Lister withdrew her amendment, however a similar amendment was tabled subsequently at report stage.¹⁰ Baroness Lister argued that the Government needed to give a more categorical assurance that victims of domestic violence would be exempt under the regulations. She also argued that, rather than local authorities being given a permissive power to grant a life-time secure tenancy in these circumstances, local authority landlords should be required to grant a life-time secure tenancy. In response, Baroness Evans gave a commitment that an exemption for those fleeing their home to escape domestic violence would be included in the regulations.¹¹ She also confirmed that the regulations would require local authorities to provide the victims of domestic violence with replacement life-time tenancies. Following these assurances, the amendment was withdrawn. The Housing and Planning Bill received royal assent on 12 May 2016.¹²

Conservative Party Manifesto 2017

Subsequent to the passing of the Housing and Planning Act 2016, the Government announced that it would introduce new primary legislation to establish an exemption for the victims of domestic violence. The Conservative Party's manifesto for the 2017 general election stated that, in office, it would "take action" to ensure that "victims who have lifetime tenancies and flee violence are able to secure a new lifetime tenancy automatically".¹³ Subsequently, in July 2017, during a debate in the House of Lords on domestic violence and abuse, the Minister of State at the Home Office, Baroness Williams of Trafford, announced that the Government would introduce legislation to meet this manifesto commitment.¹⁴

Reaction to the Legislation

Baroness Lister welcomed the publication of the Secure Tenancies (Victims of Domestic Abuse) Bill and said the Opposition would scrutinise the Bill to ensure it delivered on the Government's stated aim of providing more security to those fleeing domestic abuse.¹⁵ She argued that the victims of domestic abuse needed to be assured that they could continue to retain a life-time tenancy if they left an abusive partner. Katie Ghose, the Chief Executive of Women's Aid, also welcomed the publication of the Bill, arguing that it was vital that survivors fleeing domestic abuse had access to safe and secure housing.¹⁶ However, Ms Ghose has said that the Government also needed to do more by protecting funding for refuges for those fleeing domestic abuse.

Further Information

- House of Lords Library, [Housing and Planning Bill 2015–16: Briefing for Lords Stages](#), 22 January 2016
- House of Commons Library, [Housing and Planning Bill: Lords Amendments and Ping Pong](#), 11 May 2016
- House of Commons Library, [Social Housing: The End of 'Lifetime' Tenancies in England](#), 27 May 2016

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- ¹ [Explanatory Notes to the Secure Tenancies \(Victims of Domestic Abuse\) Bill \[HL\] of 2017–19](#), p 2.
- ² [HL Hansard, 26 January 2016, cols 1247–8](#).
- ³ [Explanatory Notes to the Secure Tenancies \(Victims of Domestic Abuse\) Bill \[HL\] of 2017–19](#), p 2.
- ⁴ Department for Communities and Local Government, [Secure Tenancies \(Victims of Domestic Abuse\) Bill 2017: Note of Impacts](#), January 2018, p 2.
- ⁵ [Public Bill Committee, Housing and Planning Bill, 10 December 2015, 16th sitting, col 650](#). Initially, the Government proposed that the period of these fixed-term tenancies should be set at a maximum of five years. This was subsequently extended to ten years.
- ⁶ [Explanatory Notes to the Housing and Planning Bill 2015–16 as brought from the House of Commons](#), pp 50–1.
- ⁷ [HL Hansard, 26 January 2016, cols 1247–8](#).
- ⁸ [HL Hansard, 14 March 2016, cols 1707–10](#).
- ⁹ [ibid, cols 1713–15](#).
- ¹⁰ [HL Hansard, 18 April 2016, cols 502–3](#).
- ¹¹ [ibid, col 512](#).
- ¹² [HL Hansard, 12 May 2016, col 1831](#).
- ¹³ Conservative Party, [The Conservative Party Manifesto 2017](#), 18 May 2017, p 58.
- ¹⁴ [HL Hansard, 6 July 2017, col 1053](#).
- ¹⁵ Baroness Lister of Burtersett, '[The Move Government Has Made to Protect Domestic Violence Victims is Welcome—But Labour will Scrutinise it Closely](#)', Huffpost Blog, 19 December 2017.
- ¹⁶ Women's Aid, '[Life Tenancies to be Protected for Survivors of Domestic Abuse](#)', 20 December 2017.

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