



HL Bill 74 of 2023–24

Renters (Reform) Bill

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The [Renters \(Reform\) Bill](#) is a government bill which would implement a significant package of reforms to the private rented sector in England (and to a limited extent in Wales and Scotland). Ministers argue that it will ensure private renters have access to a secure and decent home and give confidence to landlords to continue to invest. Among the key measures in the bill are the following:

- the abolition of assured shorthold tenancies and so-called ‘no fault’ section 21 evictions (though the timing of the implementation of this reform has been the source of contention and debate)
- creating new grounds and amending existing grounds through which landlords can repossess their properties
- amending the process for rent increases for certain tenancies and creating a redress scheme/ombudsman for private tenants in England for the first time
- the creation of a private rented sector database and property portal where all landlords in England will have to register themselves and their properties
- new measures to facilitate enforcement activity by local authorities in the housing sector, including additional investigatory powers
- provisions to enable tenants to have a pet in their property more easily
- the application of the decent homes standard to the private rented sector
- the prohibition of blanket bans against tenants who receive benefits

The bill was significantly altered during its passage through the House of Commons as a result of amendments from the government. Some of these were technical/minor in nature. However, others introduced substantial changes including on the timing of the abolition of section 21 evictions; restrictions on re-letting and remarketing a property; and provisions with regard to student lettings. No opposition amendments were accepted. Labour supports the aims of the bill but has voiced concern over several provisions. These include the commencement of the abolition of section 21 evictions and the length of time in which tenants will need to reside in a property before they can seek to end their tenancy.





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I. What would the bill do?

The [Renters \(Reform\) Bill](#) would fulfil commitments made in the Conservative Party's 2019 general election manifesto¹, in particular to abolish so called 'no fault' evictions. It would also enact key proposals set out in the government's 2022 white paper, '[A fairer private rented sector](#)'².

The bill has been carried over from the 2022–23 parliamentary session. As introduced into the House of Lords, it contains 140 clauses and six schedules including several new provisions added at committee and report stages in the House of Commons. The provisions in the bill will predominantly apply to England, except in relation to blanket bans on renting to tenants who receive benefits or with children, where it will also apply to Wales and Scotland.

The key areas in which the bill is seeking to legislate are outlined below. A full clause by clause explanation of the bill is set out in the explanatory notes published by the government.³

I.1 Assured shorthold tenancies and 'no fault' or section 21 evictions

The most common form of tenancy in the private rented sector is the assured shorthold tenancy (AST) introduced by the Housing Act 1988.⁴ ASTs can be fixed term or periodic but usually begin with a fixed term. Upon the expiry of a fixed term, the tenancy will convert to a periodic AST unless the landlord and tenant agree another fixed term.

The government contends that, while the mix of fixed-term and periodic contracts appears to offer choice to tenants, these complexities can be difficult to understand, and tenants do not always have the power to negotiate their preference at the outset.⁵

Under section 21 of the 1988 act, landlords can repossess their properties without having to establish fault on the part of the tenant. This is known as a 'no fault' eviction. The House of

¹ Conservative Party, '[Conservative Party manifesto 2019](#)', November 2019.

² Department for Levelling Up, Housing and Communities, '[A fairer private rented sector](#)', 16 June 2022.

³ [Explanatory notes](#).

⁴ As above.

⁵ As above.



Commons Levelling Up, Housing and Communities Committee has noted that fixed-term ASTs give tenants greater security, because landlords cannot use section 21 to evict them.⁶ However, they also provide less flexibility because tenants cannot leave without paying rent for the duration of the fixed term except with the landlord's agreement.

The differences between ASTs and periodic tenancies are outlined in Figure 1 below:⁷

Figure 1. Tenancy types in the private sector

Fixed terms commit both landlord and tenant for an agreed period, typically six or 12 months. During a fixed term, landlords cannot use section 21 to evict a tenant, though they can use other grounds for possession.

Tenants can only leave during a fixed term with the landlord's agreement, and they must pay rent for the duration, unless agreed otherwise. At the end of a fixed term, tenancies do not automatically end—instead becoming periodic unless a new fixed term is agreed, or notice is served.

Periodic tenancies are weekly or monthly tenancies that do not last for a fixed period. They offer more flexibility to tenants and landlords. If a tenant wants to leave the property, they are liable for the rent until the required notice period has expired. This is typically one month but can vary.

A landlord can end a periodic tenancy with two months' notice by using a section 21 eviction notice or by using other grounds for possession.

The government's 2022 white paper argued that locking parties into a contract undermined the flexibility that the private rented sector offers and restricted tenants' and landlords' ability to react to changing personal circumstances. Similarly, it contended it was wrong that tenants felt unable to challenge poor standards in their home because of worries that their landlord would use section 21 to evict them rather than deal with their complaints. The white paper highlighted 2018 research from Citizens Advice, which found that tenants

⁶ House of Commons Levelling Up, Housing and Communities Committee, '[Reforming the private rented sector](#)', 9 February 2023, HC 624 of session 2022–23.

⁷ Department for Levelling Up, Housing and Communities, '[A fairer private rented sector](#)', 16 June 2022.



receiving a section 21 notice were five times more likely to have recently made a complaint to their council about their landlord compared to those who had not received a notice.⁸ This has led to fears that section 21 evictions are being used in retaliation when tenants raise concerns.

The government contends that this situation has left many tenants feeling unable to enforce their rights in relation to repairs and to challenge unreasonable rent increases:

The reality today is that far too many renters are living in damp, dangerous, cold homes, powerless to put things right, and with the threat of sudden eviction hanging over them.

They're often frightened to raise a complaint. If they do, there is no guarantee that they won't be penalised for it, that their rent won't shoot up as a result, or that they won't be hit with a section 21 notice asking them to leave.⁹

Local housing authorities also argue no-fault evictions increase the likelihood of homelessness.¹⁰ Landlord bodies have disputed this, contending that homeless applications from people living in the sector are linked more closely to rent arrears caused by welfare reform.¹¹ They maintain that landlords use section 21 to avoid lengthy processes and the uncertainty associated with evicting tenants through service of a section 8 notice, which requires landlords to establish a ground for eviction as set out in schedule 2 to the Housing Act 1988.

The white paper said that the government would abolish section 21 evictions and simplify tenancy structures. To achieve this, ministers said all tenants who would previously have had an assured tenancy or assured shorthold tenancy would be moved onto a single system of periodic tenancies. Consequently, chapter 1 of part 1 and schedule 2 of the Renters (Reform) Bill would abolish ASTs and with them section 21 no-fault evictions. Instead, tenancies in the private rented sector would be monthly periodic tenancies with no end date. Tenants would need to provide two months' notice when leaving a tenancy. Landlords would only be able to evict a tenant in reasonable circumstances as set out in the bill.

⁸ Citizens Advice, '[Touch and go: How to protect private renters from retaliatory eviction in England](#)', 2018.

⁹ Department for Levelling Up, Housing and Communities, '[A fairer private rented sector](#)', 16 June 2022.

¹⁰ Local Government Association, '[Renters Reform Bill: LGA statement](#)', 17 May 2023.

¹¹ National Residential Landlords Association, '[Homelessness and the private rented sector](#)', 21 November 2018; and House of Commons Library, '[Renters \(Reform\) Bill 2022–23](#)', 21 October 2023, p 6.



Concern was raised by the landlords operating in the student lettings market, and by the House of Commons Levelling Up, Housing and Communities Committee, over the impact of ending fixed-term tenancies on this sector.¹² As a result, purpose-built student accommodation (PBSA) would be exempt from these changes as long as the provider is registered for government-approved codes, since these tenancies are not assured (schedule 1).¹³ Changes have also been made regarding grounds for repossession of student properties, as discussed in [section 1.2 of this briefing](#).

The bill would also mandate that landlords must provide a written statement of terms setting out basic information about the tenancy and both parties' responsibilities while retaining both parties' right to agree and adapt terms to meet their needs.

The government has said that it does not want to implement these changes until improvements have been made to the courts possession system to ensure that it is ready to cope with their impact.¹⁴ This was the subject of considerable debate and contention as the bill progressed through the House of Commons, as discussed in [sections 3](#) and [4.1 of this briefing](#). At report stage, the government successfully moved amendments to the bill which would require the lord chancellor to prepare an assessment of the operation of possession proceedings for rented properties (now clause 126 in the bill as introduced into the House of Lords). That assessment would have to be published before section 21 could be abolished for existing tenancies.

As a result, clause 67 of the bill provides that the secretary of state will introduce regulations specifying when chapter 1 of part 1 of the bill would come into force. As detailed in the bill's explanatory notes, the effect of the provisions in clause 67 will be to establish a two-stage transition to the new tenancy system.¹⁵ In the first stage, all new tenancies will be governed by the new rules from the commencement date. In the second stage existing tenancies will transition to the new system on the date appointed by the secretary of state or on the date they convert to a periodic tenancy if that is earlier. Transitional arrangements are set out in schedule 4.

¹² National Residential Landlords Association, '[Rental reform plans risk damaging access to higher education](#)', 24 January 2023; and House of Commons Levelling Up, Housing and Communities Committee, '[Reforming the private rented sector](#)', 9 February 2023, HC 624 of session 2022–23, p 3.

¹³ [Explanatory notes](#), p 11.

¹⁴ Department for Levelling Up, Housing and Communities, '[Letter from Secretary of State for Levelling Up, Housing and Communities Michael Gove to chair of the House of Commons Levelling Up, Housing and Communities Committee Clive Betts](#)', 23 November 2023.

¹⁵ [Explanatory notes](#), pp 63 and 107.



The amendments moved by ministers at report stage would also require the government to arrange for an independent review of the new tenancy system, in particular the impact of removing fixed terms and the operation of grounds for possession. Further, they would place a duty on the secretary of state to produce an annual report to Parliament on the stock of residential tenancies in the private rented sector. That report would need to be provided in the five years after the bill receives royal assent.

The delay to the abolition of section 21 evictions has been criticised by those campaigning on behalf of tenants. They include Shelter, which initially commended plans to abolish section 21 evictions but now contends that the government has substantially weakened the bill.¹⁶ Shelter argued that “with the spectre of homelessness never far away, renters will remain powerless to challenge dangerous conditions and unfair rent hikes”. Similarly, the Renters Reform Coalition, also supportive of the reforms, said the bill now risked “fail[ing] renters” and “preserv[ing] the current balance of power that has created the renting crisis we face today”.¹⁷

In response, the government has said its commitment to scrap section 21 no-fault evictions “as soon as possible is unchanged”.¹⁸ A spokesperson added:

We have always said we will give six months’ notice before ending section 21 for all new tenancies. In addition, we have committed to ensuring improvements in the courts service are rapidly implemented before extending this abolition to all existing tenancies.¹⁹

The National Residential Landlords Association (NRLA) contends that the bill delivers “a fair deal for tenants and responsible landlords”.²⁰

1.2 New grounds for landlords to repossess their properties

The government is aiming to respond to the concerns of landlords over its tenancy reforms by amending and strengthening the grounds on which they could seek to repossess their

¹⁶ Sky News, ‘[Renters Reform Bill gets sign off from MPs—but indefinite delay to no-fault evictions ban remains](#)’, 24 April 2024.

¹⁷ As above.

¹⁸ As above.

¹⁹ As above.

²⁰ National Residential Landlords Association, ‘[Renters \(Reform\) Bill delivers fair deal for tenants and landlords](#)’, 24 April 2024.



properties.

Currently, schedule 2 of the Housing Act 1988 sets out the grounds for possession that landlords can use to evict assured tenants. There are mandatory grounds, where judges must award a possession order when a landlord can evidence that the ground is met, and discretionary grounds, which allow judges to consider whether it is reasonable to grant an order even where the ground is met.²¹

The initial stage of the process involves a landlord serving notice on the tenant, and the Housing Act 1988 sets out the notice periods required for each type of possession. Provisions in clauses 3 and 4 and schedule 1 of the Renters (Reform) Bill would amend these notice periods as set out in annex B of the updated explanatory notes to the bill.²²

The bill would also introduce new grounds for possession for landlords who wished to sell their property, or those who wished to move themselves or a close relative into the property. These would both be mandatory grounds. For both of these new grounds, the landlord must give the tenant two months' notice. The grounds could also not be used in the first six months of a new tenancy.

The bill would also introduce a new mandatory ground for repeated serious rent arrears. Evictions would be mandatory where a tenant has been in at least two months' rent arrears three times within the previous three years, regardless of the arrears balance at hearing.²³ The bill would also increase the notice period for the existing rent arrears ground to four weeks and would retain the mandatory ground in cases where a tenant has two months' arrears at both the time of serving notice and of the hearing.

The bill would also strengthen existing grounds to make it easier for landlords to repossess properties where tenants exhibit anti-social behaviour. It would expand the discretionary eviction ground to clarify that any behaviour "capable" of causing "nuisance or annoyance" can lead to eviction.²⁴

Following government amendments made to the bill during its passage through the House of Commons, the bill would also introduce a new mandatory ground which would allow

²¹ House of Commons Library, '[Renters \(Reform\) Bill 2022–23](#)', 21 October 2023, p 24.

²² [Explanatory notes](#), pp 150–3.

²³ As above, p 11.

²⁴ As above.



landlords renting to full-time students to seek possession ahead of each new academic year, facilitating the ongoing yearly cycle of short-term student tenancies. This would apply to full-time students who occupy on either joint or individual tenancy agreements. In order for a landlord to rely on this new ground to gain possession, the tenant must have been given a written agreement to that effect before or at the start of the tenancy.

The bill would also introduce new grounds for possession for the supported housing sector to end tenancies where necessary, to “enable them to continue to operate housing safely or effectively, or otherwise protect the viability of their service”.²⁵ In addition, the bill would introduce new grounds for possession in relation to temporary accommodation for homelessness and for sectors that give accommodation tied to employment. The government states that this is intended to ensure that these services can continue to be delivered.²⁶

1.3 Process for rent increases and a redress scheme for private tenants in England

Currently, a landlord can only increase the rent during a fixed-term AST by including a rent review clause in the tenancy agreement.²⁷ The rents on periodic ASTs can be increased by the landlord serving notice under section 13 of the Housing Act 1988. Section 13 increases can only take place once a year. Tenants can refer such increases to a first-tier tribunal (property chamber), which determines a market rent that may be higher than that initially proposed.

The government is concerned that rent increases have led to significant numbers of tenants moving home, and that unexpected changes to rent levels can leave tenants unable to afford their home and can impact a tenant’s ability to save for a home of their own.²⁸ Ministers have also said they are seeking to prevent retaliatory rent increases being used as a mechanism to evict tenants.

As a result, clauses 5 and 6 of the Renters (Reform) Bill would introduce a new process for implementing rent increases, meaning that the service of a notice under section 13 would be the only way a rent increase could take place. The notice period for a rent increase would

²⁵ [Explanatory notes](#), p 11. In supported housing, accommodation is provided alongside support, supervision or care to help people live as independently as possible in the community.

²⁶ As above.

²⁷ House of Commons Library, ‘[Renters \(Reform\) Bill 2022–23](#)’, 21 October 2023, p 34.

²⁸ Department for Levelling Up, Housing and Communities, ‘[A fairer private rented sector](#)’, 16 June 2022.



increase from one month to two months. Referrals to first-tier tribunals would remain, in order to determine market rents if a tenant appealed against a landlord's proposed increase. Existing provisions governing how private providers of social housing can increase rental amounts would also change.

In addition, there is currently no legal requirement for private landlords in England to belong to a redress scheme, allowing consumers to escalate a complaint to an independent arbitrator. A small number of private landlords have voluntarily joined a redress scheme, but only around 80 to 90 private landlords out of around 2.3 million.²⁹ In contrast, since 1 October 2014 private sector letting and managing agents have been required to belong to a government-approved redress scheme: the Property Ombudsman or the 'Property redress scheme'.

The current potential redress options for private tenants depend on the type of dispute. For example: disputes about tenancy deposits can be referred to one of the tenancy deposit protection schemes; problems with disrepair may be referred to the local authority's environmental health team; and certain disputes can be adjudicated by the independent first-tier tribunal (property chamber).³⁰

The government contends that the limitations and complexity of these arrangements means that the private rented sector is "falling behind" other sectors.³¹ It notes that the existing system primarily relies on tenants negotiating with private landlords and enforcing their own rights. However, the government observes that tenants may lack the necessary knowledge of their rights and may be reluctant to pursue a complaint against their landlord for fear of retaliatory eviction or a rent rise. There are also concerns that tenants face other barriers such as a lack of time and funds, language barriers and their ability to navigate the system.

As a result, part 2 of the Renters (Reform) Bill would require all private landlords who rent out property in England to join a government-approved redress scheme, regardless of whether they use an agent. The government contends that this will bring parity with other housing tenures by ensuring all tenants have access to redress services in any given situation, and will be "quicker, cheaper, less adversarial, and more proportionate than the court system".³²

²⁹ House of Commons Library, '[Renters \(Reform\) Bill 2022–23](#)', 21 October 2023, p 44.

³⁰ As above.

³¹ Department for Levelling Up, Housing and Communities, '[A fairer private rented sector](#)', 16 June 2022.

³² Department for Levelling Up, Housing and Communities, '[Guide to the Renters \(Reform\) Bill](#)', 17 May 2023.



The government intends to approve only one redress scheme, and for this to be an ombudsman.³³ It contends that requiring all landlords to join the same scheme will mean tenants and landlords have access to a streamlined service.

The new ombudsman would allow tenants to seek redress for free, where their landlord has failed to deal with a legitimate complaint about their tenancy. This could include complaints about the behaviour of the landlord, the standards of the property or where repairs have not been completed within a reasonable timeframe.

The government also maintains that landlords will benefit from the ombudsman through having access to an impartial decision-maker who can resolve complaints “in the quickest and most cost-effective way possible”.³⁴ Ministers contend this will help maintain tenant-landlord relationships and ultimately sustain tenancies. Landlords will also have access to training, guidance and support from the ombudsman to help them improve their services and complaint-handling practices.

Membership of the ombudsman scheme would be mandatory for private landlords, and local councils would be able to take enforcement action against those who fail to join. This would range from a civil penalty of up to £5,000, through to a £30,000 fine or criminal prosecution and the potential for a banning order for repeat offenders.³⁵

It would also be mandatory for landlords to comply with any decision of the ombudsman, should the complainant accept the final determination. Failure to comply with a decision may result in a landlord being expelled from the ombudsman until they do so. If they continued to act as a landlord, this would make them eligible for enforcement action from their local council.

The intention is for any approved redress scheme to be self-funding through membership fees.³⁶

The decision to establish a single ombudsman has been welcomed by stakeholders. The Local Government Association said it was “glad to see the introduction of an ombudsman for the private rented sector, as an additional mechanism for tenants to seek appropriate redress

³³ Department for Levelling Up, Housing and Communities, ‘[Guide to the Renters \(Reform\) Bill](#)’, 17 May 2023.

³⁴ As above.

³⁵ As above.

³⁶ House of Commons Library, ‘[Renters \(Reform\) Bill 2022–23](#)’, 21 October 2023, p 47.



from their landlord”.³⁷ Similarly, the campaign group Generation Rent said: “the new property portal and ombudsman have the potential to make it much harder for criminal landlords to operate”.³⁸ The NRLA said the ombudsman would provide “clarity for tenants seeking redress and a less adversarial route than the court system”.³⁹

I.4 Private rented sector database and property portal, enforcement activity and investigatory powers

Local authorities currently have powers to address poor property conditions and management standards in the private rented sector. However, the government’s 2022 white paper noted concerns with how these powers were being used:

While some local authorities prioritise PRS [private rented sector] enforcement, variation in enforcement levels across England can leave tenants and landlords frustrated and allow criminal operators to thrive. Councils struggle to crack down on non-compliant landlords due to a lack of robust data and information on the sector.⁴⁰

Disparities in enforcement activities among local authorities is also a longstanding concern of both tenant and landlord representative bodies. For example, the London Renters Union (LRU), in giving evidence to the House of Commons Levelling Up, Housing and Communities Committee, said that enforcing housing standards was “often not seen as a political priority by local authorities, given the cuts to funding”.⁴¹

Further, alongside there being no legal requirement for private landlords in England to belong to a redress scheme, there is also currently no national landlord registration scheme in England. In contrast, Wales, Scotland, and Northern Ireland all have mandatory landlord registration schemes.

³⁷ Local Government Association, ‘[Renters Reform Bill: LGA statement](#)’, 17 May 2023.

³⁸ Department for Levelling Up, Housing and Communities, ‘[Government introduces landmark reforms to deliver fairer private rented sector for tenants and landlords](#)’, 17 May 2023.

³⁹ House of Lords Industry and Regulators Committee, ‘[Written evidence from the National Residential Landlords Association \(RPA0003\)](#)’, 14 November 2023.

⁴⁰ Department for Levelling Up, Housing and Communities, ‘[A fairer private rented sector](#)’, 16 June 2022.

⁴¹ House of Commons Levelling Up, Housing and Communities Committee, ‘[Reforming the private rented sector](#)’, 9 February 2023, HC 624 of session 2022–23, para 71.



As a result, chapter 3 of part 2 of the Renters (Reform) Bill would create a private rented sector database, which would support the government's new digital property portal service. The government intends that this will provide "a single 'front door' to help landlords understand, and demonstrate compliance with, their legal requirements".⁴² The government contends that "too often tenants find out too late that they are renting a substandard property from landlords who wilfully fail to comply, and councils don't know who to track down when serious issues arise". Ministers maintain that the property portal will provide a simple solution to these issues, allowing tenants to make informed decisions, enabling landlords to understand their obligations, and supporting local authorities in their enforcement activity.

All private landlords would be required to register themselves and their properties on the property portal. Landlords who fail to register themselves or their property may be fined up to £5,000 by the local authority. If a landlord repeatedly breaches the requirement, or if they provide false or misleading information to the property portal, they may be fined up to £30,000 or could face criminal prosecution.

The bill would also give the secretary of state the power to appoint a lead enforcement authority, or lead enforcement authorities, for the purpose of any provisions in the relevant landlord legislation (as defined in clause 100 of the bill as introduced into the House of Lords).⁴³ A lead enforcement authority's functions would include providing guidance, information and advice to local housing authorities about how to exercise their functions under that legislation, helping the provisions to be enforced in a consistent way. In addition, a lead enforcement authority would have the power to enforce, allowing it to take on complex or high-profile cases which the responsible local housing authority may lack the capacity or capability to pursue.

In addition, provisions in part 3 of the bill would strengthen local housing authorities' investigatory powers. Local housing authorities would have additional powers to target rogue landlords including the power to require information and the power of entry into residential or business premises. The government maintains that these powers contain suitable safeguards to ensure that they are used by local housing authorities "when appropriate".⁴⁴

⁴² Department for Levelling Up, Housing and Communities, '[Guide to the Renters \(Reform\) Bill](#)', 17 May 2023.

⁴³ [Explanatory notes](#), p 13.

⁴⁴ As above.



The proposed establishment of the private rented sector database and property portal has been widely welcomed. A House of Commons Levelling Up, Housing and Communities Committee report into reforming the private rented sector, published in February 2023, said a property portal had the potential to “be revolutionary, provided it is designed and implemented properly and holds the right information”.⁴⁵ Similar statements were made by Shelter and Generation Rent.⁴⁶

The NRLA said that the portal would provide landlords with an opportunity to demonstrate to tenants and prospective tenants their compliance with their legal obligations.⁴⁷ However, it noted that a survey of around 3,000 landlords and letting agents found that over 60% of landlords felt the portal would impose costs on responsible landlords but would have a limited impact on tackling rogue landlords. As a result, it argued that given the changes the bill would introduce, selective licensing—which requires all private landlords operating within a designated area to license any privately rented property within that area—should be abolished. This was an issue returned to at report stage in the House of Commons, where the government committed to a review of the selective licensing system, as discussed in [section 4.1.10 of this briefing](#).

1.5 Right to request to keep a pet

Currently, a tenancy agreement may say that pets are not allowed or that a landlord’s permission must be sought in order to have a pet. In the government’s 2022 white paper, ministers committed to “ensure that landlords do not unreasonably withhold consent when a tenant requests to have a pet in their home”.⁴⁸

As a result, clause 7 in part 1 of the bill would amend the Housing Act 1988 to make it an implied term of an assured tenancy (with some exceptions) that a tenant may keep a pet with the landlord’s consent unless the landlord reasonably refuses.⁴⁹ To support this, landlords would be able to require pet insurance to cover any damage to their property (clause 8).

⁴⁵ House of Commons Levelling Up, Housing and Communities Committee, [‘Reforming the private rented sector’](#), 9 February 2023, HC 624 of session 2022–23, para 12.

⁴⁶ House of Commons Library, [‘Renters \(Reform\) Bill 2022–23’](#), 21 October 2023, pp 67–8.

⁴⁷ National Residential Landlords Association, [‘NRLA response to the Renters \(Reform\) Bill’](#), July 2023.

⁴⁸ Department for Levelling Up, Housing and Communities, [‘A fairer private rented sector’](#), June 2022.

⁴⁹ House of Commons Library, [‘Renters \(Reform\) Bill 2022–23’](#), 21 October 2023, p 36.



1.6 Decent homes standard

Since 2001, the decent homes standard has set a minimum quality standard for homes in the social rented sector.⁵⁰ Following government amendments made during the bill's passage through the House of Commons, part 3 of the bill would now give the secretary of state power to set similar requirements for the minimum standards that properties in the private rented sector must meet, thereby introducing a decent homes standard to the private rented sector.⁵¹ This would be achieved through regulations, which would have to be made through the affirmative procedure.⁵²

The bill would amend the Housing Act 2004 to provide means of enforcement where properties do not meet the new requirements, for example by way of an enforcement notice. For landlords who have failed to take reasonably practicable steps to keep their properties free of serious hazards, local councils would be able to issue fines of up to £5,000, and powers would also be available for local councils to prosecute or impose a fine of up to £30,000 for non-compliance with earlier enforcement action.

1.7 Blanket bans

Also following amendments to the bill made during its passage through the House of Commons, chapters 3, 4 and 5 of part 1 of the bill would make it unlawful for landlords and agents to impose blanket bans on renting to tenants with children or who receive benefits. This would include both overt discriminatory practices such as 'No DSS' adverts, and situations where landlords or letting agents use other indirect practices to prevent someone entering into a tenancy, such as requiring higher deposits or sums of rent in advance that are not otherwise applied to tenants without children or not in receipt of benefits. Breaches in England would be a civil offence with a fine of up to £5,000. Breaches in Wales and Scotland would be subject to criminal sanctions. The prohibition of blanket bans would apply in England, Wales, and Scotland, though the government notes that the enforcement mechanism would vary across the devolved administrations.⁵³

⁵⁰ Department for Levelling Up, Housing and Communities, '[A decent homes standard in the private rented sector: Consultation](#)', 2 September 2022.

⁵¹ [Explanatory notes](#), p 13.

⁵² This means the regulations would have to be approved by both Houses of Parliament before they could be signed into law.

⁵³ [Explanatory notes](#), p 12.



1.8 Pre-legislative scrutiny and government documents published alongside the bill

The House of Commons Levelling Up, Communities and Housing Committee published the results of its pre-legislative scrutiny of the government's plans to reform the rental sector in February 2023:

- House of Commons Levelling Up, Housing and Communities Committee, [‘Reforming the private rented sector’](#), 9 February 2023, HC 624 of session 2022–23; and [‘Government response’, October 2023](#)

The Department for Levelling Up, Housing and Communities has published a range of documentation to accompany the bill:

- [‘Guide to the Renters \(Reform\) Bill’](#), 17 May 2023
- [‘Impact assessment’](#), 12 May 2023
- [‘Consequential changes to the homelessness legislation: Government response to consultation’](#), 17 May 2023
- [‘Explanatory notes’](#), 1 May 2024
- [‘Delegated powers memorandum’](#), 2 May 2024

2. Second reading in the House of Commons

Second reading of the bill took place in the House of Commons on 23 October 2023.⁵⁴ Introducing the bill, Michael Gove, the secretary of state for levelling up, housing and communities, noted how many tenants were reliant on the private rented sector and the importance of ensuring quality accommodation:

The private rented sector has doubled in size since 2004, to the point where it now constitutes between 19% and 20% of the total housing stock in our country. Given the number of people in the private rented sector, it is absolutely vital that we ensure that tenants have the rights that they deserve, while also recognising the importance of the private rental sector to our economy and the fact that the overwhelming number of

⁵⁴ [HC Hansard, 23 October 2023, cols 630–98.](#)



private landlords provide an excellent service. It is also important that we provide them with the rights to redress required when dealing with antisocial tenants, tenants in arrears or other factors that may mean that they need to have recourse to securing vacant possession of a property.⁵⁵

Mr Gove added that because of changes in the bill such as the property portal and the ombudsman, “the small minority of poor landlords who victimise tenants can be driven out of the system and the good name of those in the private rented sector upheld”.

The secretary of state spoke to the importance of abolishing assured tenancies, and section 21 evictions in particular, contending that “a weapon used by unscrupulous landlords can no longer be in their hands”. He added that section 21 had been used to intimidate tenants and had led to increased homelessness:

Essentially, section 21 no-fault eviction is used by that small minority of bad landlords to intimidate tenants. It is the case that a significant number of tenants have concerns about the quality of their home, or indeed about excessive rent rises, but section 21 has been used to silence those who have complained about the quality of their property, to intimidate them into accepting excessive rent rises, and in certain circumstances it has been prosecuted anyway, leading to a significant number of people—20,000 in the past year—finding themselves rendered homeless, and therefore the taxpayer and local authorities having to pay for their accommodation.⁵⁶

However, at the same time Mr Gove said it was important to recognise that “we need to strengthen the provisions that landlords have in order to deal with those tenants who, for whatever reason, need to be evicted from their property”. He added:

We are outlining an extensive range of provisions [...] We are moving to ensure that antisocial behaviour is dealt with more effectively by making it mandatory grounds for removing a tenant. We are lowering the threshold so that it is easier to establish antisocial behaviour. We are dealing more effectively with rent arrears, and the way in which some unscrupulous tenants have hitherto manipulated the system on rent arrears. We are making it clear that anyone who wishes to occupy their property because they need to sell it, repair it, or have [a] family member within it, or for any other reason, can do so. It is about strengthening both protections for tenants and

⁵⁵ [HC Hansard, 23 October 2023, col 632.](#)

⁵⁶ [HC Hansard, 23 October 2023, cols 636–7.](#)



powers for landlords in the cases where they need it.⁵⁷

Speaking for Labour, Shadow Secretary of State Angela Rayner welcomed many of the provisions in the bill, saying they were “urgently need[ed]” by renters.⁵⁸ She particularly commended the abolition of section 21 evictions, the move to periodic tenancies with greater security of tenure, the new ombudsman and landlord registration, and making it easier for tenants to have pets.

However, she called upon the government not to delay any further in ending section 21 evictions:

After four and a half years of foot-dragging, there can be no more dither and delay in ending no-fault evictions [...] Tenants across the country have been wrongfully evicted, kicked out of their homes and made homeless. In fact, since [the] government first announced the end of no-fault evictions back in April 2019, a total of 71,310 households have been kicked out on to the street. That is more than 70,000 families put at risk of homelessness since this government first proposed to protect them. Every single day another person suffers the same fate.⁵⁹

Ms Rayner also said she was concerned about several “loopholes” which she argued existed in the bill, including some on the commencement of the abolition of section 21 evictions. In addition, she said that the new grounds for, and protections from, evictions were a welcome step, but the “details on those grounds remain vague”. Indeed, she argued that there remained “a loophole by which renters are protected only for the first six months of their tenancy if their landlord decides to sell the property or move back in”. She said that time limit needed to be increased to give renters proper protection.

She also said that Labour was concerned that the grounds on anti-social behaviour were ambiguous and open to abuse:

Mental health needs and domestic abuse are sometimes reported as antisocial behaviour, so that definition must be made more pragmatic and focused on genuine antisocial behaviour.⁶⁰

⁵⁷ [HC Hansard, 23 October 2023, cols 636–7.](#)

⁵⁸ [HC Hansard, 23 October 2023, col 641.](#)

⁵⁹ [HC Hansard, 23 October 2023, col 642.](#)

⁶⁰ [HC Hansard, 23 October 2023, col 645.](#)



Ms Rayner also noted proposals contained within the government's 2022 white paper which were not in the bill at second reading, such as making blanket bans on renting to families in receipt of benefits illegal, and said she hoped these issues could be returned to as the bill progressed.⁶¹

3. Committee stage in the House of Commons

The Renters (Reform) Bill was considered by a public bill committee over 10 sittings in November 2023. The committee took oral evidence from expert witnesses during the first four sittings and received written evidence.⁶²

The government tabled 183 amendments to the bill at committee stage. This included 52 new clauses and one new schedule, all of which were agreed. Many of these amendments were minor or technical in nature, yet some substantial changes were made to the bill including the following.⁶³

- allowing landlords to recover possession of a house in multiple occupation (HMO) let to full-time students at the end of the academic year to ensure it is available for reletting to students in the next academic year
- prohibiting landlords and letting agents from refusing to let to families with children or people who receive benefits
- enabling regulations to be made to apply the decent homes standard to the private rented sector and empowering local authorities to enforce it
- strengthening local authorities' investigatory powers to respond to landlord practice, including powers to require information from property owners and to enter a property
- improving national oversight by introducing provision requiring local authorities to report, at the request of the secretary of state, on how they exercise their enforcement powers
- increasing the maximum amount of rent that a first-tier tribunal can order a landlord to repay from 12 to 24 months, and ensuring that superior landlords can

⁶¹ [HC Hansard, 23 October 2023, col 645.](#)

⁶² House of Commons Public Bill Committee, '[Renters \(Reform\) Bill \(PBC\)](#)', 28 November 2023, session 2022–23, compilation of first to tenth sittings.

⁶³ House of Commons Library, '[Renters \(Reform\) Bill 2023–24: Progress of the Bill](#)', 18 April 2024, p 6.



be liable for rent repayment orders as well as a tenant's immediate landlord⁶⁴

Labour tabled 81 amendments during committee stage, none of which were accepted. They included measures to do the following:

- require landlords and letting agents to state the proposed rent level when advertising the property, and to prevent them from encouraging bids that exceed that amount
- restrict the maximum amount of rent a landlord could request before a tenancy begins
- strengthen tenants' rights to request to keep a pet
- prevent a first-tier tribunal from increasing rent above the level proposed by a landlord
- strengthen protections for tenants around the grounds for possession, including increasing minimum notice periods
- increase the maximum financial penalties for landlords who breach the renters' reform legislation
- enable rent repayment orders to be made against landlords for less serious, non-criminal breaches of the legislation
- strengthen local authorities' homelessness prevention duty where a valid section 8 eviction notice is served⁶⁵

4. Report stage in the House of Commons

Report stage of the bill took place on 24 April 2024. The government tabled 225 amendments to the bill, including 24 new clauses and one new schedule, all of which were accepted. Some of the government's amendments were technical and minor in nature. Yet, as at committee stage, others introduced significant changes to the bill including on the issue of when the repeal of section 21 evictions would occur, as explored below.

⁶⁴ The property owner is referred to as the 'superior landlord' and the person or company that then directly lets it to a tenant is the 'immediate landlord' (Your Move, '[Landlord legals: Who's liable for rent repayment orders in a rent-to-rent arrangement?](#)', 28 March 2023).

⁶⁵ House of Commons Library, '[Renters \(Reform\) Bill 2023–24: Progress of the Bill](#)', 18 April 2024, pp 6–7.



4.1 Government amendments

4.1.1 Length of tenancy

Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities Jacob Young opened debate at report stage. He began with amendments to the government's tenancy reform measures, specifically government new clause 15. This measure would provide that a tenant's notice to quit an assured tenancy is not valid if it would take effect in the first six months of the tenancy unless the landlord has agreed that it can expire sooner. The effect would be to increase the amount of time a tenant must remain in a property at the start of the tenancy from two to six months.⁶⁶

The minister contended that this change would ensure that landlords were able to recover the costs of replacing tenants and would prevent tenants from using private rented sector properties as short-term or holiday lets. Once the six-month initial period of commitment had ended, he said that the tenancy would continue as a normal periodic tenancy, so after the six-month period tenants would need to give only two months' notice. Mr Young contended that this would ensure that tenants would retain the flexibility to end tenancies when their circumstances change or when a landlord does not fulfil their responsibilities. He argued that the measure struck the right balance between providing landlords with the confidence they needed to operate within the private rented sector and ensuring a fairer, simpler tenancy system.

In addition, the minister said that the government was exploring potential exemptions to the rule, such as the death of a tenant, domestic abuse, or significant hazards within the property.

Responding for Labour, shadow minister Matthew Pennycook said new clause 15 was among the "more concerning" of the government's proposed amendments.⁶⁷ Despite the comments from the minister that the government was considering exemptions to this fixed initial six-month letting period, Mr Pennycook said "nothing in the new clause as drafted guarantees that any such exemptions will ultimately be made or what they would look like in practice".⁶⁸

⁶⁶ New clause 15 also contains the substance of what was clause 17 (as the bill was numbered at report stage) making consequential amendments to section 25 of the Housing Act 1988 reflecting the removal of fixed-term tenancies and new grounds.

⁶⁷ [HC Hansard, 24 April 2024, col 993.](#)

⁶⁸ [HC Hansard, 24 April 2024, col 993.](#)



Further, Mr Pennycook contended that even if such exemptions were introduced the proposed six-month initial period would still be “extremely damaging”. He argued that placing the onus on tenants to prove that they qualified for an exemption under serious circumstances would “deter many, particularly those experiencing domestic abuse, from exploring such an option”. Further, he said a fixed initial period of any kind “risk[ed] fatally undermining the integrity of the new tenancy regime”, premised as the reforms are on all future assured tenancies being periodic and open-ended with tenants able to end their tenancy when they see fit with appropriate notice.

The shadow minister observed that the government had put forward two arguments in favour of the proposal: first, that it would ensure that the costs borne by landlords of finding tenants and making repairs between tenancies are covered; and second, that it would prevent tenants from using rented properties as short-term lets. However, Mr Pennycook contended that “all the available evidence suggests that the prohibitive cost of moving is leading to tenants staying longer in their homes”.⁶⁹ Further, he argued that there was no evidence to support the notion that tenants were likely to game the new tenancy regime “en masse” to use rental properties as short-term lets. Instead, he argued that the measure would “trap large numbers of tenants in unsafe and unsuitable properties”.

The House divided on new clause 15, whereupon it was approved by 283 votes to 143.⁷⁰ It is now clause 18 in the bill as introduced into the House of Lords.

4.1.2 Section 21 evictions: Timing of implementation

Jacob Young addressed the commencement of provisions to abolish section 21 evictions with regard to a range of government amendments, including new clauses 30, 35 and 36.

The minister contended that the government had “been clear that section 21 of the Housing Act 1988 will be abolished when we are confident that the county court system is ready”.⁷¹ He said that the government was taking “significant steps” to ensure that it was, referencing investment of £1.2mn for His Majesty’s Courts and Tribunals Service to deliver a new end-to-end online possession process.⁷²

⁶⁹ [HC Hansard, 24 April 2024, col 993.](#)

⁷⁰ [HC Hansard, 24 April 2024, cols 1033–5.](#)

⁷¹ [HC Hansard, 24 April 2024, col 984.](#)

⁷² [HC Hansard, 24 April 2024, col 984.](#)



Mr Young said it was important that the operation of the county court possession process was assessed as part of the delivery of the bill's tenancy reforms, arguing that an "efficient court system was critical to ensuring there is confidence in the new tenancy system".⁷³ As a result, he said that government new clause 30 would require the lord chancellor to prepare an assessment of the operation of possession proceedings for rented properties. That assessment would have to be published before section 21 could be abolished for existing tenancies.

The chair of the Levelling Up, Housing and Communities Committee, Clive Betts, asked the minister whether the government had considered the case for a specialist housing court to process tenancy-related matters more quickly.⁷⁴ He noted that the committee had called for such a measure in 2018 and again in 2023.⁷⁵ The minister said the government did not believe that was the best way to improve the court process for possession, a view he said was shared by the judiciary who responded to the government's earlier call for evidence.⁷⁶

The minister also introduced new clause 35 which would require the government to arrange for an independent review of the new tenancy system, in particular the impact of removing fixed terms and the operation of grounds for possession. That review must be laid before Parliament within 18 months of the earliest date on which the new tenancy system is applied to existing tenancies. Jacob Young said the government recognised that removing fixed terms was a significant change for the sector, adding the review would "explicitly consider the impact of the change".⁷⁷ He said the review would also consider how comprehensive and fair the reformed grounds for possession were, as well as the extent to which they were operating effectively, so that "all parties can have confidence in them".⁷⁸

Government new clause 36 would also place a duty on the secretary of state to produce an annual report to Parliament on the stock of residential tenancies in the private rented sector. That report would need to be provided in the five years after the bill receives royal assent. Reports under that duty would cover, but would not be limited to, an analysis of the number, location and size of private rented sector properties. The minister contended the

⁷³ [HC Hansard, 24 April 2024, col 984.](#)

⁷⁴ [HC Hansard, 24 April 2024, cols 984–5.](#)

⁷⁵ House of Commons Levelling Up, Housing and Communities Committee, '[Private rented sector](#)', 19 April 2018, HC 440 of session 2017–19; and '[Reforming the private rented sector](#)', 9 February 2023, HC 624 of session 2022–23.

⁷⁶ [HC Hansard, 24 April 2024, col 985](#); and Department for Levelling Up, Housing and Communities, '[Call for evidence to consider the case for a housing court: Government response](#)', updated 16 June 2022.

⁷⁷ [HC Hansard, 24 April 2024, col 986.](#)

⁷⁸ [HC Hansard, 24 April 2024, col 986.](#)



new clause would ensure that regular analysis of such information was available for scrutiny and debate.⁷⁹ Government new clauses 27 and 28 would also amend the bill's commencement provisions to reflect these changes.

Responding for Labour, Matthew Pennycook was highly critical of new clause 30. He said that it was crucial that section 21 evictions were definitively abolished at the point that the bill became law.⁸⁰ He argued that Labour had repeatedly sought to amend the bill to this effect, to be told by the government that it would be wrong to introduce the measures until the courts were ready. However, Mr Pennycook argued that the government had not articulated what such readiness would look like, which remained unaddressed by the new amendments. Instead, he argued that the reforms were left reliant on a subjective and ambiguous assessment of whether the courts were ready to deal with the changes:

As a result, as we contemplate sending this bill to the other place today, not only do renters still have no idea when the new tenancy system will come into force, but they remain entirely in the dark on what may constitute requisite progress on the court reform that ministers deem necessary. In our view, such a degree of uncertainty is simply unacceptable. The end of no-fault evictions cannot be made dependent on an unspecified degree of future progress in court improvements subjectively determined by ministers.⁸¹

Mr Pennycook added that there was no timescale for the review by the lord chancellor or by the secretary of state specified in the provisions:

We will remain in the dark even if government new clause 30 is incorporated into the bill, because it will merely require the lord chancellor to publish an assessment of the operation of the county court possession order process in England and its enforcement before the extended application date can be set for chapter 1 of part 1 of the bill. There is no timescale in which that required assessment needs to be published, and there is nothing that specifies the metrics against which the lord chancellor would judge the readiness of the court system. There are no corresponding obligations imposed on the secretary of state, so if a future lord chancellor assesses that funding or other specific measures are required to make the courts ready for the new system, there is nothing to compel the government of the day to implement them. Even if a future lord chancellor were to assess that the courts were more than ready, it remains

⁷⁹ [HC Hansard, 24 April 2024, col 986.](#)

⁸⁰ [HC Hansard, 24 April 2024, col 989.](#)

⁸¹ [HC Hansard, 24 April 2024, col 990.](#)



for the secretary of state to determine whether they wish to make the relevant commencement order, even if clause 116 is amended by government new clauses 27 and 28.⁸²

Mr Pennycook argued that government new clause 30 was “nothing more than a mechanism designed to facilitate the further delay of the complete abolition of section 21 evictions”.⁸³ In response, Labour moved its own amendment 28 which would have ensured that the abolition of section 21 evictions would come into force on royal assent, with saving provisions for any notices served before that date.

The chair of the Levelling Up, Housing and Communities Committee, Clive Betts, also called on the government to provide more detail on when the changes would be introduced, arguing for “clear time commitments”.⁸⁴

The House divided on new clause 30, which was approved by 287 votes to 144.⁸⁵ It is now clause 126 in the bill. Government new clauses 35 and 36 were added without division and are now clauses 127 and 128 respectively.

The House also divided on Labour’s amendment 28, which was defeated by 282 votes to 158.⁸⁶

4.1.3 Homelessness prevention

The Housing Act 1996 (as amended by the Homelessness Reduction Act 2017) places a duty—known as the homelessness prevention duty—on housing authorities to work with people who are threatened with homelessness within 56 days to help prevent them from becoming homeless.⁸⁷

⁸² [HC Hansard, 24 April 2024, col 990–1.](#)

⁸³ [HC Hansard, 24 April 2024, col 992.](#)

⁸⁴ [HC Hansard, 24 April 2024, col 998.](#)

⁸⁵ [HC Hansard, 24 April 2024, cols 1036–8.](#)

⁸⁶ [HC Hansard 24 April 2024, cols 1077–9.](#)

⁸⁷ Department for Levelling Up, Housing and Communities, ‘[Homelessness code of guidance for local authorities](#)’, 3 May 2024.



During report stage of the Renters (Reform) Bill, the minister, Jacob Young, spoke to government amendments 239 and 240. He said they would give tenants certainty that the homelessness prevention duty would be owed when a valid section 8 notice (citing a ground for possession) was served. The prevention duty would apply where the date specified in the notice was within 56 days, and the duty could not be ended purely because the 56 days had passed. The minister contended that these measures would mean that households could continue to receive support while the threat of homelessness remained. He added that the government was mindful that the changes would broaden the scope of the prevention duty and said that as a result it would carry out a new burdens assessment and provide funding for local authorities for any additional costs.

For Labour, shadow minister Matthew Pennycook spoke in favour of the provisions, noting that Mike Amesbury (Labour MP for Weaver Vale) had pressed for such provision at committee stage. The measures were added to the bill without division and are now reflected in amended schedule 2 of the bill.

4.1.4 Restrictions on re-letting and remarketing a property

Government amendments 64 to 75 would extend the restrictions on re-letting and remarketing a property following the use of the moving in and selling grounds contained in schedule 1 of the bill, in order to cover licences to occupy as well as tenancies.⁸⁸ The minister argued that this would mean that landlords and people acting on their behalf, such as letting agents, would be prohibited from letting or marketing a property as a short-term or holiday let following the use of those grants.

The provisions were added to the bill without division and are now reflected in amended schedule 1.

4.1.5 Student lettings, social landlords and agricultural workers

The minister introduced new provisions specifically aimed at the student lettings market, returning to an issue that had been raised at committee stage. In committee, the government introduced a new ground for evicting full-time students, to maintain a yearly supply of

⁸⁸ With a lease, the occupier (tenant) is granted an exclusive right to occupy for a fixed period of time. On the other hand, a licence to occupy sees a personal permission granted to the licensee to occupy a property for certain agreed purposes which would otherwise be prohibited (Miller Samuel Hill Brown, '[Lease or licence to occupy: What are the differences and advantages/disadvantages?](#)', 17 July 2023).



student housing. Since introducing that ground, the minister said the government had been made aware of concerns that the ground would not apply when students were living in smaller properties, or in houses of multiple occupation on individual contracts.

As a result, the government introduced amendments 226 to 228 at report stage, to expand the circumstances in which the student ground could be used. The minister said that as a result landlords would be able to ensure that properties rented to students—whether they were living individually, in pairs, or in larger shared housing—would be vacated in the summer, as long as all the tenants on the tenancy agreement were students. To protect tenants, he added that the government was strengthening the requirement for landlords to provide notice to the tenant at the outset of the tenancy that the ground may be used to evict them. Possession would not be possible using this ground unless written notice was given by the landlord at the beginning of the tenancy.

The minister also moved government amendment 158, which would extend ground 1B in schedule 1 to allow social landlords to re-let their property to a different tenant on rent-to-buy terms, which he contended would protect the supply of such properties. The grant would be available only after the sitting tenant's discounted rent period had ended and they had been offered the chance to purchase the property. He noted this was an issue raised by the National Housing Federation in its evidence to the public bill committee.⁸⁹ In addition, government amendments 175 and 184 would insert a new possession ground 5H into schedule 2 to the Housing Act 1988, allowing private registered providers of social housing and charities to continue to operate schemes sometimes known as stepping-stone accommodation. The minister said the government was keen to support those schemes, which help those who have struggled to access the private rented sector. This change was added to the bill without division and is reflected in amended schedule 1.

The minister also spoke to government amendments 198 and 199, and new clause 29, which he said served to replicate an existing mechanism that allows landlords of qualifying agricultural workers to provide assured shorthold tenancies rather than more secure assured agricultural occupancies. Jacob Young said the amendment was the “main ask” of the Country Land and Business Association and was vital to maintaining the supply of homes for rural workers by protecting the status quo.⁹⁰ He said it would ensure that opted-out agricultural occupancies under the old system would continue to be opted out when they transition to the new tenancy system. These provisions were added to the bill without division. They are reflected in clause 21 and amended schedule 1.

⁸⁹ Public Bill Committee, '[Written evidence submitted by the National Housing Federation to the Public Bill Committee \(RRB46\): Renters \(Reform\) Bill](#)', 28 November 2023.

⁹⁰ [HC Hansard, 24 April 2024, col 982.](#)



4.1.6 Sub-letting

The minister also said that leaseholder groups had raised the issue that many leaseholder agreements restrict sub-letting on assured shorthold and fixed-term tenancies. He said that the government intended to address this through amendments 160 to 164, and new clause 13. These would ensure that sub-leases made under those agreements would continue unabated under the new tenancy system and that new agreements could be made if they were previously permitted. Jacob Young said that the government had “drafted the provisions very carefully to ensure that superior landlords and leaseholders have corresponding rights and responsibilities, as they did under the previous system”.⁹¹ The measures were added to the bill without division. They are reflected in clause 3 and amended schedule 1.

4.1.7 Tenants in receipt of benefits (Scotland)

As detailed above, at committee stage the bill was amended to prohibit landlords and letting agents from refusing to let to families with children or people who receive benefits. At report stage, the government moved new clauses 18 to 24 to extend these provisions to Scotland, following consultation with the Scottish government. The minister said the measures would operate in a broadly similar way to those in England and Wales, with adjustments to align with the Scottish enforcement framework. He said this “demonstrat[ed] a cross-nation commitment to tackling discrimination in the private rented sector”.⁹² They were added to the bill without division. They now form chapter 5 of part 1 of the bill.

4.1.8 Redress provisions

Jacob Young also said that the government was making technical amendments to the redress clauses in part 2 of the bill, including to ensure that the private rented sector landlord ombudsman could cooperate with other dispute resolution services.⁹³ The minister said the amendments would ensure that the ombudsman operated effectively. He added that, although no final decision on the ombudsman provider had been made, the amendments would also allow the housing ombudsman service to effectively administer private landlord redress alongside social redress, therefore covering the different tenancy types.

⁹¹ [HC Hansard, 24 April 2024, col 983.](#)

⁹² [HC Hansard, 24 April 2024, col 983.](#)

⁹³ [HC Hansard, 24 April 2024, col 983.](#)



4.1.9 Enforcement of the new system

As above, the government introduced measures at committee stage intended to ensure that landlords involved in criminal rent-to-rent arrangements could be held to account, including superior landlords where they were aware of illegal activity.⁹⁴ At report stage, Jacob Young introduced further new measures to build on these provisions, including government new clause 32 to ensure that superior landlords become liable for offences under the Housing Act 2004 of failing to hold the correct licence for a property.

In addition, the minister said that government new clause 33 would ensure that landlords and superior landlords could, where appropriate, be served with improvement notices requiring the removal of hazards. Mr Young said those changes would close existing loopholes, ensuring that local councils could continue to hold the correct landlord to account to ensure that their properties were safe and well managed.⁹⁵

The minister added that it was important that superior landlords who could not have reasonably known that the property was being let as a house of multiple occupation were protected against being penalised for the failure to license. As a result, government new clause 32 would provide additional defences to ensure that was the case. Jacob Young noted that the criminal standard of proof must already be met for any landlord to be convicted or subject to a fine or rent repayment order for such an offence, and this would be the same under the new system.⁹⁶

The measures were added to the bill without division and now form clauses 94 and 95 respectively.

4.1.10 Selective licensing

The minister also spoke about the interaction between the new property portal and the existing role of selective licensing. He said that the two systems had separate, distinct

⁹⁴ Rent-to-rent arrangements are typically where an individual or company takes an interest in a property for a period of time from a landlord and guarantees to pay a fixed rent to the landlord. The landlord gives consent to the third party, 'the renter', to then rent the property to other tenants. The renter and they become the tenant liable for the rent (Property Redress Scheme, ['How does 'guaranteed rent' or 'rent to rent' work?'](#), accessed 8 April 2024).

⁹⁵ [HC Hansard, 24 April 2024, col 983.](#)

⁹⁶ [HC Hansard, 24 April 2024, cols 983–4.](#)



purposes:

[T]he portal will gather data on private rented sector ownership and property standards in England, providing an information source for local authorities to have oversight of the whole private rented sector in their area. It will help landlords to understand their legal obligations and will give tenants the information they need to make informed choices. Meanwhile, selective licensing provides local housing authorities with the powers to license privately rented properties within a designated area to address specific local issues, including poor housing conditions and high levels of antisocial behaviour or crime.⁹⁷

Jacob Young said that, while there would be overlap with data gathered through the portal, the information required for licences in these areas was specific to the issue being tackled and supported more intensive enforcement action in the areas that needed it most.

Mr Young said that the government did not want to see selective licensing abolished, but it did want to ensure that “our reforms are streamlined and that burdens are minimised for landlords and local authorities”.⁹⁸ As a result, he committed to a review of selective licensing and the licensing of houses in multiple occupation to “consider how we can reduce burdens and make the system more effective for landlords, tenants and local authorities”.

4.2 Opposition amendments

The Labour spokesperson, Matthew Pennycook, moved a range of amendments at report stage. Only one of these, amendment 28 as discussed in [section 4.1.2 above](#), was moved to a division.

In summary, the other amendments concerned the following issues, several of which were similar to amendments moved at committee stage:

- requiring landlords (or persons acting on their behalf) to state the proposed rent payable in the advertisement for the premises, and preventing landlords (or persons acting on their behalf) from inviting or encouraging bids that exceed the amount stated as part of the advertisement or offer of the premises

⁹⁷ [HC Hansard, 24 April 2024, col 986.](#)

⁹⁸ [HC Hansard, 24 April 2024, col 987.](#)



- ensuring that the maximum amount of rent that could lawfully be requested by a residential landlord in advance of a tenancy commencing would be five weeks' rent for tenancies of less than £50,000 per annum and six weeks' rent for tenancies over £50,000 per annum
- requiring private landlords to deal with hazards affecting their properties
- ensuring that blanket bans on renting to families with children or those in receipt of benefits are presumed to be unlawful discrimination unless proved otherwise
- enabling rent repayment orders to be made against landlords for less serious, non-criminal breaches of the legislation
- strengthening protections for tenants around the grounds for possession, including increasing the minimum notice periods
- ensuring that in instances where a private landlord increases the rent without issuing a section 13 or section 13A notice, the tenant can seek to recover costs through a debt claim in the court
- ensuring that where a rent assessment is carried out by a tribunal, the rent subsequently determined by that tribunal cannot be higher than that originally requested by a landlord in a section 13 notice
- ensuring further protections for tenants in hardship, including that in cases of undue hardship tenants would have a minimum of two months from the date of determination before a new rent became payable
- ensuring that a tenant may keep a pet for the duration of their tenancy once consent has been given
- requiring the new property portal to record details of notices of possession served by a landlord in respect of each dwelling of which they are the landlord
- ensuring that an intermediate landlord retains possession of the property and remains as the landlord of the occupying tenant until the conclusion of possession proceedings
- retaining the existing 12-month period within which the landlord can initiate proceedings for possession for relevant grounds
- maintaining the existing definition of anti-social behaviour as being conduct causing or likely to cause a nuisance or annoyance, rather than being defined as behaviour "capable of causing" nuisance or annoyance
- extending the homelessness prevention duty owed by local authorities to notices for possession issued under section 8 of the Housing Act 1988
- ensuring that the homelessness prevention duty cannot end while a valid notice under section 8 of the Housing Act 1988 has been issued in respect of the only accommodation available to that person



5. Third reading in the House of Commons

Third reading of the bill in the House of Commons also took place on 24 April 2024.⁹⁹ The minister, Jacob Young, said that the bill was an opportunity to “improve the life chances of millions of private renters across the country”.¹⁰⁰ He added that he hoped the government had given reassurance to the “millions of good landlords who endeavour to provide homes for those who rely on the private rented sector”. He said that the bill represented the biggest change to the rental sector in 30 years and hoped that it would pass through the House of Lords “with the speed that it now deserves to give certainty and security to landlords and tenants throughout the country”.

Responding for Labour, Matthew Pennycook said that the bill was a “good starting point for the reform that is necessary” in the rental sector.¹⁰¹ However, he said that the government should have strengthened the legislation “rather than progressively watering it down”. As a result, he said that the bill was “far weaker” than it needed to be, and in danger of being “fatally compromised”. However, he said Labour would not oppose passage of the bill given the “essential” nature of the reforms it contained.

The bill was given a third reading without division.

⁹⁹ [HC Hansard, 24 April 2024, cols 1093–8.](#)

¹⁰⁰ [HC Hansard, 24 April 2024, col 1093.](#)

¹⁰¹ [HC Hansard, 24 April 2024, col 1096.](#)

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