



A FAIRER PRIVATE RENTED SECTOR: A SNAPSHOT

The Government has published its “Fairer Private Rented Sector” White Paper setting out its proposals for the private rental sector. The objective: to tackle the “injustices” of the current system by levelling up “quality, affordability and fairness” across the board. Here we provide a brief overview of the main proposals. For a more detailed explanation of the Government’s reforms see our In Detail article.

The key reforms proposed by the Government are:

1. The introduction of a legally binding Decent Homes Standard based upon the existing Housing Health and Safety Rating System.
2. An obligation on landlords to take proactive steps to prevent a property falling into disrepair.
3. The abolition of s.21 notices to end ‘no-fault’ evictions and give tenants more security. Landlords will only be able to take back possession if they can prove a ground for possession.
4. The introduction of a single system of periodic tenancies (no more fixed terms) for all new and existing ASTs to give tenants flexibility to end their tenancy when they want to (subject to giving a minimum of 2 months’ notice).
5. The grounds for possession will be reformed to allow landlords who need to regain possession to do so efficiently.
6. New mandatory grounds for possession will be introduced to cover the situation where a landlord wants to sell a property or move into it.
7. Another new mandatory ground for possession will be where a tenant has been in at least two months’ of rent arrears three times in the last three years. This is to tackle

- the situation where tenants pay off small amounts of rent before a court hearing to avoid a mandatory possession order being made.
8. The notice period for the existing rent arrears eviction ground will be increased from 2 to 4 weeks.
 9. Tenants who exceed the mandatory rent arrears threshold due to the timing of welfare payments will be protected from eviction.
 10. Notice periods for eviction tenants on the basis of criminal or anti-social behaviour will be reduced.
 11. Rental increases will only be allowed once a year on a minimum of 2 months' notice.
 12. Tenants will be able to challenge excessive rent increases in the First Tier Tribunal.#
 13. Where a tenant pays rent upfront, the landlord will have to return it if a tenancy ends early.
 14. A new Housing Ombudsman will be introduced for the private rental sector with membership mandatory for all landlords. Tenants will be able to refer disputes to the Ombudsman for resolution. The Ombudsman will have powers compelling landlords to apologise, provide information, take remedial action, reimburse rent and pay compensation of up to £25,000.
 15. Steps will be taken to increase the efficiency of the court process to minimise the costs and delays of litigation.
 16. A new 'one-stop-shop' Property Portal will be introduced. The Portal will house all the information that landlords, tenants and local authorities need to understand a landlord's legal obligations and to assist with streamlining the enforcement process. Landlords will be legally obliged to register their property on the portal.
 17. Local authorities will be mandated to record all offences committed by landlords that could give rise to a Banning Order (even if no such order is made) on the Database of Rogue Landlords and Property Agents. All Civil Penalty Notices will also have to be recorded on the Database.

- 18 A national framework for fines will be introduced to ensure a more consistent approach to fines by local authorities across the country.
- 19 Blanket bans on renting to families with children or those in receipt of benefits will be illegal.
- 20 Tenants will have a right to request a pet in their property which the landlord cannot unreasonably refuse. Tenants can challenge negative decisions.

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