



Portfolio Holder for Housing and Communities

Item

1 October 2019

Report of	Assistant Director Policy and Corporate	Author	Karen Paton
Title	Response to the Government's A new deal for renting - resetting the balance of rights and responsibilities between landlords and tenants consultation		
Wards affected	All wards		

1 Executive Summary

1.1 The Ministry of Housing Communities and Local Government (MHCLG) published a consultation on 21 July 2019 seeking the views on implementing the government's proposals to ensure a tenant is always given an appropriate reason why a tenancy is ended, with landlords able to regain possession more efficiently. The government is proposing changes to two pieces of legislation:

- S21 of the Housing Act 1988 – where a tenant with a tenancy for a fixed period (called an assured shorthold tenancy) can be asked to leave their rented home by their landlord, without reason, at the end of the fixed term.
- Ground 8 of the Housing Act 1988 – which is a mandatory ground that landlords can use to evict a tenant who has not paid the rent.

1.2 Views are being sought on the following areas:

- How section 21 of the Housing Act 1988 has been used in the past, and the circumstances in which landlords should be able to regain possession once it has been abolished, including what changes may be necessary to the existing grounds for possession in Schedule 2 of the Housing Act 1988.
- The implications of removing the ability of landlords to grant assured shorthold tenancies in the future, how the processing of repossession orders through the courts could be improved, and whether the reforms should be extended to other types of landlords, most notably, to housing associations

1.3 Colchester Borough Council (CBC) in conjunction with Colchester Borough Homes (CBH), who provide the front-line housing management and homelessness service on behalf of the Council, welcome the opportunity to respond to the consultation and influence decisions made in this area.

2. Recommended Decision

2.1 To approve the CBC and CBH joint response to the government's consultation on A new deal for renting, as shown at Appendix A.

3. Reason for Recommended Decision

3.1 Local Authorities have been given the opportunity to respond to the consultation. Providing housing advice services to prevent households threatened by homelessness

due to private and social landlord eviction is an important issue for the council and Colchester's residents. In addition, the Council has a strategic interest in ensuring that the local housing market offers a range of housing options and tenures to meet local need and demand. It is therefore in our interest to take the opportunity to try to influence decisions in this area.

4. Alternative Options

- 1.4 Not to respond. However, this would mean that CBC would not take the opportunity to influence government decisions on the removal of Section 21 of the Housing Act 1988 and improving section 8 eviction grounds.

5. Background Information

- 5.1 The introduction of the Housing Act 1988 reinvigorated the private rental market, leading to a revival in the sector. It is now the second largest housing tenure in England, housing 19% of all households (English Housing Survey 2017-18). An increasingly diverse range of households live in private rented accommodation, with growing numbers of families and people over 55 years of age.
- 5.2 In April 2019, the government announced that it would put an end to so called ‘no-fault’ evictions by repealing section 21 of the Housing Act 1988. Under the new framework, a tenant cannot be evicted from their home without good reason. This would provide tenants with more stability, protecting them from having to make frequent moves at short notice, and enabling them to put down roots and plan for the future.
- 5.3 In addition, the government proposed to strengthen the section 8 eviction process, to enable landlords to regain their property should they wish to sell it or move into it themselves. This would provide a more secure legal framework and a more stable rental market for landlords to remain and invest in.
- 5.4 The government is proposing that this new deal will provide a fair and balanced relationship between landlord and tenant and should extend as widely as possible and apply to all landlords who use the Housing Act 1988. This includes Housing Associations and Housing Companies but does not impact on local authority tenancies.
- 5.5 In summary the consultation seeks views on:
- The impact of removing assured shorthold tenancies, and whether there are any circumstances where a tenancy should be ended without the tenant being at fault
 - Whether the reforms should relate to all those who use the Housing Act 1988 – in both the private and social sectors
 - How existing grounds for possession covered by Schedule 2 of the Housing Act 1988 can be used effectively or reformed in the future once section 21 is no longer available and how new grounds should be added to cover the landlord selling or moving into the property; and
 - How the courts could consider applications for possession orders under section 8 of the Housing Act 1988 more efficiently.
- 5.6 The full consultation document can be found by following the link below:

[**A new deal for renting: resetting the balance of rights and responsibilities between landlords and tenants**](#)

- 5.7 The joint CBC and CBH response to the consultation ‘A new deal for renting’ can be found below at Appendix A.

6. Equality, Diversity and Human Rights implications

- 6.1 The purpose of this report is to respond to the Government’s consultation paper “A new deal for renting”. Any policy changes brought forward as a result of the outcome of the consultation would be subject to appropriate equality impact assessment.

7. Standard References

7.1 Strategic Plan

The response has been written to reflect the Council's Strategic Plan 2018-2021:
Responsibility: Increase the supply of good quality homes by using legal powers to improve standards in the private rented sector.

Wellbeing: Target support to the most disadvantaged residents and communities

7.2 Consultation and Publicity considerations

Colchester Borough Council's response to this consultation paper will be published on the Council's web-site and will therefore available to the public and stakeholders.

7.3 There are no references to financial; community safety; health and safety or risk management implications.

Appendices

Appendix A: Colchester's response to the MHCLG 'A new deal for renting' consultation.

Appendix A

MHCLG Consultation: A New Deal for Renting – CBC and CBH Draft Response

Resetting the balance of rights and responsibilities between landlords and tenants:

A consultation

This consultation seeks views on how to implement the Government's decision to abolish section 21 of the Housing Act 1988 and improve the implementation of section 8.

The consultation aims to enable the Government to take steps to ensure a tenant is always given an appropriate reason why a tenancy is brought to an end, with landlords able to regain possession more efficiently.

The consultation seeks to explore how section 21 of the Housing Act 1988 has been used in the past, and the circumstances in which landlords should be able to regain possession once it has been abolished (including what changes may be necessary to Schedule 2 of the Housing Act 1988). It invites views on the implications of removing the ability of landlords to grant assured shorthold tenancies in the future, and how the processing of repossession orders through the courts could be improved.

The purpose of the consultation is to gather evidence and seek views on the issues above. Any policy change brought forward as a result of the consultation would be subject to appropriate assessment.

Section 1: Executive Summary – Please see consultation Document

Summary of proposals

This consultation seeks your views on:

- the impact of removing assured shorthold tenancies, and whether there are any circumstances where a tenancy should be ended without the tenant being at fault
- whether our reforms should relate to all those who use the Housing Act 1988 – in both the private and social sectors
- how existing grounds for possession covered by Schedule 2 of the Housing Act 1988 can be used effectively or reformed in the future once section 21 is no longer available and how new grounds should be added to cover the landlord selling or moving into the property; and
- how the courts could consider applications for possession orders under section 8 of the Housing Act 1988 more efficiently.

Section 2. The end of section 21 evictions

Assured shorthold tenancies were introduced by the Housing Act 1988 to offer greater flexibility for landlords who wanted to let out properties for shorter periods and for tenants who wanted the flexibility of a shorter-term let. One of the features of the assured shorthold tenancy regime was the ability of landlords to end the tenancy without needing to give a reason why, by issuing a two-month notice under section 21.

Wider impact

Our proposals set out fundamental changes to the assured tenancies regime. The Government is minded to apply these changes to all landlords that use the assured tenancies regime, including social housing landlords. The Government is aware of the wide range of housing providers who could be affected by these changes. This consultation, and a series of structured engagement across housing, will ensure the Government delivers a system that works for everyone.

Question 1:

Do you agree that the abolition of the assured shorthold regime (including the use of section 21 notices) should extend to all users of the Housing Act 1988?

- Yes
- No
- Don't know

If not, which users of the Housing Act 1988 should continue to be able to offer assured shorthold tenancies? (tick all that apply)

- Housing associations
- Local Authority Housing Companies
- Local authorities discharging their duties under the Housing Act 1996
- Providers of Supported Housing
- Providers of rent-to-buy products
- Don't know
- Other (please specify below) – Temporary accommodation

This could be difficult for providers of short-term accommodation or tenants with high support needs. If AST's were not used, then specific grounds would need to be set out in the tenancy agreement.

Fixed-term and periodic assured tenancies

The removal of assured shorthold tenancies does not necessarily mean that tenancies must be open-ended. Landlords and tenants could still choose between assured periodic and assured fixed-term tenancies and decide which type of tenancy best suits their circumstances. As set out above, both parties can agree a tenancy agreement covering a fixed-term and / or a periodic contract that rolls over on a cycle of time, usually monthly.

Question 2:

Do you think that fixed terms should have a minimum length?

- Yes**
- No**
- Don't know**

If yes, how long should this be?

- 6 months**
- 12 months**
- 2 years**

Ending a fixed-term tenancy early through a break clause

Break clauses are a feature of contract law and not a requirement of the Housing Act 1988. A break clause can be included in a fixed-term tenancy agreement if both parties agree to including it in the contract. Break clauses do not apply to assured periodic tenancies.

Question 3:

Would you support retaining the ability to include a break clause within a fixed-term tenancy?

- Yes**
- No**
- Don't know**

Protecting tenants from landlords increasing the rent above market value

The Government does not support the introduction of rent controls to set the level of rent at the outset of a tenancy. Historical evidence suggests that these would discourage investment in the sector, and would lead to declining property standards as a result, which would not help landlords or tenants.

Protecting rents in the social sector

Rents set by registered providers of social housing are regulated (subject to certain exemptions). This limits the level of rent that can be set initially and subsequent annual changes. From April 2016, the Welfare Reform and Work Act 2016 has required registered providers to reduce their rents by 1% each year for four years. The Government has announced that, from 2020, annual rent increases of up to CPI plus one percentage point will be permitted for a period of at least five years.

3. Bringing tenancies to an end

3.1 The Government's new deal for renting will retain the flexibility many in the private rented sector find important, coupled with the security that is needed for a stable housing market. Tenants will have more stability, knowing from the outset the circumstances under which their tenancy could come to an end. Landlords will retain the ability to regain their property, with an easier journey through the courts when things go wrong or where they need their properties back for other valid reasons.

3.2 Under the new framework, there will be a number of potential ways in which a tenancy could be brought to an end:

- In a fixed-term tenancy – tenants will be able to end the tenancy after the end of the fixed-term (or at a break point), as long as they provide sufficient notice to the landlord in line with their tenancy agreement.
- In an assured periodic (open-ended) tenancy – tenants will be able to end a tenancy at any point provided they comply with the appropriate notice period.
- In either scenario – landlords will be able to end the tenancy by issuing a notice under section 8 of the Housing Act 1988, providing one of the grounds in Schedule 2 applies.

Question 4:

Do you agree that a landlord should be able to gain possession if their family member wishes to use the property as their own home?

- Yes**
- No**
- Don't know**

If not, why not?

Ground 1 also requires that a landlord, their spouse or civil partner must have previously lived at the property. We want to make it easier for a landlord to gain possession for themselves or a family member without having previously lived at the property, and so we wish to explore removing this requirement.

Question 5:

Should there be a requirement for a landlord or family member to have previously lived at the property to serve a section 8 notice under ground 1?

- Yes**
- No**
- Don't know**

If you think there should be such a requirement, explain why:

Question 6:

Currently, a landlord has to give a tenant prior notice (that is, at the beginning of the tenancy) that they may seek possession under ground 1, in order to use it. Should this requirement to give prior notice remain?

- Yes**
- No**
- Don't know**

If not, why not?

Question 7:

Should a landlord be able to gain possession of their property before the fixed-term period expires, if they or a family member want to move into it?

- Yes**
- No**
- Don't know**

Question 8:

Should a landlord be able to gain possession of their property within the first two years of the first agreement being signed, if they or a family member want to move into it?

- Yes**
- No**
- Don't know**

Question 9:

Should the courts be able to decide whether it is reasonable to lift the two year restriction on a landlord taking back a property, if they or a family member want to move in?

- Yes**
- No**
- Don't know**

Question 10:

This ground currently requires the landlord to provide the tenant with two months' notice to move out of the property. Is this an appropriate amount of time?

- Yes**
- No**
- Don't know**

Question 11:

If you answered No to Question 10, should the amount of notice required be less or more than two months?

- Less than two months' notice**
- More than two months' notice**
- Flexible notice period**
- Don't know**

A new ground – selling the property

It is essential that landlords can respond to changing circumstances to manage their property. Sometimes this will include having to sell the property. Often landlords choose to market and sell their property with the sitting tenants – but sometimes they will need to ask the tenants to leave in order to sell the property. Enabling landlords to make decisions about their investment is critical to the healthy operation of a robust and buoyant private rented and wider housing sector. The Government is therefore considering making this new ground mandatory to allow landlords to regain the property

before any fixed-term period expires. However, a landlord would not be able to use this ground within the first two years after the first agreement is signed, mirroring the new provisions in ground 1.

Question 12:

We propose that a landlord should have to provide their tenant with prior notice they may seek possession to sell, in order to use this new ground. Do you agree?

- Yes**
- No**
- Don't know**

If no, please explain.

Question 13:

Should the court be required to grant a possession order if the landlord can prove they intend to sell the property (therefore making the new ground 'mandatory')?

- Yes**
- No**
- Don't know**

If not, why not? (please specify)

Question 14:

Should a landlord be able to apply to the court if they wish to use this new ground to sell their property before two years from when the first agreement was signed?

- Yes**
- No**
- Don't know**

Question 15:

Is two months an appropriate amount of notice for a landlord to give a tenant, if they intend to use the new ground to sell their property?

- Yes**
- No**
- Don't know**

Question 16:

If you answered 'no' to question 15, should the amount of notice required be less or more than two months?

- Less than two months' notice
- More than two months' notice
- Flexible notice period
- Don't know

If flexible, should this depend on:

- Length of the tenancy
- Agreed in the terms of the tenancy agreement
- Don't know

Rent-arrears

Ground 8 is a mandatory ground for possession of a property where a tenant has accrued rent arrears. This ground currently allows the landlord to issue a notice when the tenant is over the prescribed period of outstanding rental payments. For example, in the case of rolling tenancies, this is two months' rent. For the judge to provide an order for possession, the full two months' rent must still be outstanding at the time of the court hearing. We have heard from landlords that the current operation of this ground makes it difficult to gain possession even in the case of persistent rent arrears. (please see consultation document for proposed changes)

Question 17:

Should the ground under Schedule 2 concerned with rent arrears be revised so:

- The landlord can serve a two week notice seeking possession once the tenant has accrued two months' rent arrears.

- Yes
- No
- Don't know

If no, please explain.

The court must grant a possession order if the landlord can prove the tenant still has over one months' arrears outstanding by the time of the hearing.

- Yes
- No
- Don't know

If no, please explain.

The court may use its discretion as to whether to grant a possession order if the arrears are under one month by this time.

- Yes
- No

Don't know

If no, please explain.

The court must grant a possession order if the landlord can prove a pattern of behaviour that shows the tenant has built up arrears and paid these down on three previous occasions.

Yes

No

Don't know

If no, please explain.

Anti-social behaviour

Social landlords have a range of powers at their disposal to deal with tenants who exhibit anti-social behaviour. These powers, in particular those of local authorities, were extended and strengthened by the Housing Act 1996; the Anti-social Behaviour Act 2003; and the Housing Act 2004. Powers under the Anti-social Behaviour, Crime and Policing Act 2014, range from abatement orders to deal with noise nuisance, to injunctions excluding tenants from their homes in cases involving violence or a significant risk of harm. It also extended social landlords' powers to secure the eviction of anti-social tenants in certain circumstances, or the imposition of a less secure 'demoted' tenancy.

Question 18:

Should the Government provide guidance on how stronger clauses in tenancy agreements could make it easier to evidence ground 12 in court?

Yes

No

Don't know

Grounds 7A and 14

We have heard from landlords that they are concerned about their ability to regain possession of their property from tenants even when there are serious levels of anti-social behaviour. The removal of assured shorthold tenancies and the loss of the ability to use section 21 to evict tenants makes it important that the anti-social behaviour grounds are swift and effective. We are keen to hear from both social and private sector landlords about the effectiveness of grounds 7A and 14, and any proposals for improvements based on their experience of using the legislation.

Question 19:

As a landlord, what sorts of tenant behaviour are you concerned with? (tick all that apply)

Nuisance (such as parties or loud music)

Vandalism (such as graffiti)

Environmental damage (such as littering or fly-tipping)

- Uncontrolled animals**
- Don't know**
- Other (please specify)**

Question 20:

Have you ever used ground 7A in relation to a tenant's anti-social behaviour?

- Yes**
- No**
- Don't know**

Please explain.

If a tenant is unable to succeed tenancy, we will serve an NTQ as Social Housing LL. Not a s212 as we do not offer AST's

Question 21:

Do you think the current evidential threshold for ground 7A is effective in securing possession?

- Yes**
- No**
- Don't know**

Please explain.

Evidence of the ASB should be comprehensive and if sufficient evidence is not gathered then the tenancy should be able to continue.

Question 22:

Have you ever used ground 14 in relation to a tenant's anti-social behaviour?

- Yes**
- No**
- Don't know**

Please explain.

As a social landlord who offers secure tenancies, we do not serve s21's

Question 23:

Do you think the current evidential threshold for ground 14 is effective in securing possession?

- Yes** - this puts the onus on the Landlord to evidence but the ground could be much broader in terms of ASB/nuisance
- No**

Don't know

If no, please explain.

Domestic abuse

The Government is committed to tackling domestic abuse, ensuring victims are empowered to seek justice and have the protections they need to feel safe. It is estimated that around two million adults experience domestic abuse each year, affecting almost 6% of all adults, with women twice as likely to be victims than men⁸. Earlier this year, we unveiled the most comprehensive package of reforms ever to better meet the needs of individuals affected by domestic abuse. The landmark draft Domestic Abuse Bill will transform the way abuse is understood and criminalised and bolster the support and resources available to survivors to help rebuild their lives.

Question 24:

Should this new ground apply to all types of rented accommodation, including the private rented sector?

Yes

No

Don't know

If no, please explain.

Question 25:

Should a landlord be able to only evict a tenant who has perpetrated domestic abuse, rather than the whole household?

Yes - this would offer more protection and security to tenants should they wish to remain in the property. It is likely that more Domestic Abuse would be reported if victims felt they would have support to remove perpetrators from their property rather than having to flee from their property themselves.

No

Don't know

If no, please explain.

Question 26:

In the event of an abusive partner threatening to terminate a tenancy, should additional provisions protect the victim's tenancy rights?

Yes

No

Don't know

If no, please explain.

Question 27:

Should a victim of domestic abuse be able to end a tenancy without the consent of the abuser or to continue the tenancy without the abuser?

- Yes**
- No**
- Don't know**

If no, please explain.

Property standards

The Government is committed to ensuring all homes are of a reasonable standard and that everyone should have a safe place to live. We recently supported the Homes (Fitness for Human Habitation) Act to strengthen tenants' rights and protect them from poor practice in the rented sector. Under the Act, all landlords, (private and social) are legally required to ensure that any dwelling they rent out is free from serious hazards from the start and for the duration of the tenancy. This includes damp, excess cold, electrical faults, as well as fire and falls.

Question 28:

Would you support amending ground 13 to allow a landlord to gain possession where a tenant prevents them from maintaining legal safety standards?

- Yes**
- No**
- Don't know**

If no, please explain.

Accelerated possession

One of the common reasons given by landlords for the use of section 21 notices to end tenancies is because it provides the ability to apply to the court for accelerated possession and have the case decided without a hearing – the landlord's case, and any defence put forward by the tenant, are dealt with in writing.

This means that it is often quicker to gain possession using section 21 than under a specified ground. The removal of this route leaves the concern, therefore, that it could take longer for a landlord to gain possession of their property.

Question 29:

Which of the following could be disposed of without a hearing? (tick all that apply)

- 1 Prior notice has been given that the landlord, or a member of his family may wish to take the property as their own home.**
- 2 Prior notice has been given that the mortgage lender may wish to repossess the property.**
- 3 Prior notice has been given the property is occupied as a holiday let for a set period.**

4 Prior notice has been given the property belongs to an educational establishment and let for a set period.

5 Prior notice has been given to a resident minister that the property may be required by another minister of religion.

6 Reconstruction, demolition or other works need to be carried out, but cannot go ahead with the tenant in situ.

7 The previous tenant has died, with the tenancy passing on to a new tenant who does not have the right to carry on with the tenancy.

7A The tenant has been convicted of a serious offence in or around the property, against someone living in or around the property, or against the landlord.

7B A tenant or occupant has been disqualified from occupying the property due to their immigration status.

8 The tenant has significant rent arrears. See answer to question 17 on rent arrears

New The landlord wishes to sell the property

Don't know

Specialist provisions

We know that there are some circumstances that could make it difficult for certain groups of tenants and landlords to operate within the new framework as proposed. It may be necessary for these groups to be placed outside the scope of our new tenancy framework or be provided with specialist provisions. One option could be, for example, providing these groups with specialist new grounds for possession under Schedule 2 of the Housing Act 1988.

Student accommodation

Many landlords argue that there is a particular market for student accommodation that should be treated as distinct from the rest of the private rented sector. The student market has discrete characteristics, and landlords are concerned that without the certainty provided by the current assured shorthold regime it will not be possible to effectively market student properties. This is because, until the previous group of students have given notice, the landlord cannot be sure of gaining possession of the property within a certain time scale.

Question 30:

Should ground 4 be widened to include any landlord who lets to students who attend an educational institution?

Yes

No

Don't know

If no, please explain.

Question 31: - see section on short term lets in consultation paper

Do you think that lettings below a certain length of time should be exempted from the new tenancy framework?

- Yes
- No
- Don't know

If yes, what is the minimum length of tenancy that the framework should apply to?

6 months should be the minimum as this could be used to discharge a prevention duty

Religious workers

3.66 Members of the Church of England have told us they often let residential accommodation out as private property when it is not in use by a member of the clergy. They were concerned that our previous proposal for longer tenancies meant that they would not be able to take back the property when they required it for use by a member of the clergy. This is different to the current ground 5, where prior notice is given to a serving member of the clergy, that the property is required by their successor.

Question 32:

Should the existing ground 5 be reviewed so possession can be obtained for re-use by a religious worker, even if a lay person is currently in occupation?

- Yes
- No
- Don't know

If no, please explain.

If members of the Church of England are letting out properties privately and gaining a rental income the tenant should have the same protection from eviction as any other tenant.

Question 33:

Should there be a mandatory ground under Schedule 2 for possession of sub-let dwellings on tenanted agricultural holdings where the head tenant farmer wants to end their tenancy agreement and provide vacant possession of the holding for their landlord?

- Yes
- No
- Don't know

If no, please explain.

Question 34:

Should there be a mandatory ground under Schedule 2 for possession of tenanted dwellings on agricultural holdings where there is business need for the landlord to gain possession (i.e. so they can re-let the dwelling to a necessary farm worker)?

- Yes

No

Don't know

If no, please explain.

Question 35:

Are there any other issues which the Government may need to consider in respect of agricultural tenancies?

Build to Rent

A further distinct group of landlords might be those in the build to rent sector where the affordable housing contribution required under planning consents is provided in the form of affordable private rent. In some circumstances homes are allocated to prospective tenants based on eligibility criteria such as key worker employment status or household income.

Question 36:

Are there any other circumstances where the existing or proposed grounds for possession would not be an appropriate substitute for section 21?

Yes

No

Don't know

If yes, please explain.

Impact and timing of implementing our changes

4.1 We are keen to gather views on the impact of our proposals on local authorities, landlords and any other businesses that might be affected.

Question 37:

How many section 21 notices have you issued in the past two years?

None - we are a social landlord who offers secure tenancies.

1

2-3

4-5

5-10

10+

Prefer not to say

Question 38:

Of these, how many applications for possession orders have you made to the courts?

None

- 1
- 2-3
- 4-5
- 5-10
- 10+
- Prefer not to say

Question 39:

Of these, how many have resulted in a court hearing?

- None**
- 1
- 2-3
- 4-5
- 5-10
- 10+
- Prefer not to say

Question 40:

Taking into account legal fees and loss of income what would you estimate to be the average cost of a single case:

a) Using the accelerated process

- £0-499
- £500-999
- £1,000-4,999
- £5,000-9,999
- £10,000-14,999
- £15,000-19,999
- £20,000+
- Prefer not to say

b) Pursuing the application at a hearing

- £0-499
- £500-999
- £1,000-4,999
- £5,000-9,999
- £10,000-14,999
- £15,000-19,999

- £20,000+
- Prefer not to say

Question 41:

How many section 8 notices have you issued in the past two years?

- None
- 1
- 2-3
- 4-5
- 5-10
- 10+
- Prefer not to say

Question 42:

Of these, how many applications for possession orders have you made to the courts?

- None
- 1
- 2-3
- 4-5
- 5-10
- 10+
- Prefer not to say

Question 43:

Of these, how many have resulted in a court hearing?

- None
- 1
- 2-3
- 4-5
- 5-10
- 10+
- Prefer not to say

Question 44:

Are there any other impacts on your business or organisation the Government should consider when finalising its policy?

There would be an impact on temporary accommodation used to meet a local authorities homelessness duty under the Housing Act 1996 and Homelessness Reduction Act 2017, as the tenant's length of stay is uncertain due to the nature and purpose of temporary accommodation.

If yes, please provide evidence to support this view.

Wider impact

Question 45:

Do you think these proposals will have an impact on homelessness?

- Yes**
- No**
- Don't know**

If yes, please provide evidence to support this view.

- It could lead to a reduction on the number of people that join the Housing Register seeking social and affordable housing as private sector landlords would be able to provide longer tenancies which would give people more security.
- If there are less applicants on the register threatened with homelessness it will reduce waiting times for social housing.

Question 46:

Do you think these proposals will have an impact on local authority duties to help prevent and relieve homelessness?

- Yes**
- No**
- Don't know**

If yes, please provide evidence to support this view.

- Extending the notice period beyond 2 months would help local authorities to prevent and relieve homelessness because there may be more scope for discussion of why the tenant is required to leave, at present there doesn't have to be a valid reason, whereas under the new grounds, reason for possession would be required. There will be the opportunity to resolve the issue if any and in some circumstances negotiate with the landlord to continue the tenancy and keep the tenant in the property which will help prevent homelessness

Question 47:

Do you think the proposals will impact landlord decisions when choosing new tenants?

- Yes**
- No**
- Don't know**

Please explain further.

- Some landlords may decide not to continue to let out their properties or be prepared to let to people that local authorities owe a duty towards which will impact on the supply of private accommodation.

Question 48

Do you have any views about the impact of our proposed changes on people with protected characteristics as defined in section 149 of the Equality Act 2010?

What evidence do you have on this matter?

Question 49:

If any such impact is negative, is there anything that could be done to mitigate it?

Question 50:

Do you agree that the new law should be commenced six months after it receives Royal Assent?

Yes

No

Don't know

If you answered 'no' to question 50 what do you think would be an appropriate transition period?

No transition period

Three months

Twelve months

Don't know