
Implications for Housing Arising from Legislative Changes

Report being considered by: Health and Wellbeing Board

On: 6 March 2025

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Item for: Information

1. Purpose of the Report

The purpose of this report is to update Board/Members of the implications arising from the Renters Rights Bill (2024) and the Supported Living (Regulatory Oversight) Act 2023.

2. Recommendations

That the Corporate Board be **INFORMED** of the implications for the Council.

3. Executive Summary

3.1 West Berkshire has an estimated 21K let properties. Of these 11.5K are privately rented and 9.5K are socially rented. It is estimated that 1422 dwellings in the private rented sector have Category 1 Hazards (12%), and that circa 1300 dwellings have an energy rating below band E – which is illegal unless an exemption applies. The worst properties from a housing standards / cold homes perspective are most often found in rural areas.

3.2 Local authorities have a significant range of functions and responsibilities relating to the regulation of the housing market. Primarily these fall within the remit of the Public Protection Service (PPP) and include the following:

Licensing of Houses of Multiple Occupation (HMOs)

The PPP currently has responsibility for the mandatory licensing scheme at local level. An HMO is defined as a house occupied by five or more people from two or more households sharing a property. Currently in West Berkshire there are around thirty licensed HMO's but the recent housing condition survey indicated that there may be as many as 170 that need licensing.

Private Sector Housing Standards

The PPP has a raft of legal responsibilities with respect to housing standards in the rented sector, including responsibility for private landlords and social landlords. This work includes following up complaints about housing standards and where necessary taking enforcement action including issuing improvement notices and immediate prohibitions if there is an imminent risk. PPP Officers assess the standards against the Housing and Health Safety and Rating System of which more can be found here:

[Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals – GOV.UK](#)

Caravan Sites

The Private Sector Housing Team within the PPP also licence regulated caravan sites in the district and inspect sites to ensure that safety standards are being maintained. Part of this work also includes assessment of operators to ensure that they meet the 'fit and proper' tests set out in law.

Damp and Mould

This a hazard identified by the HHSRS scheme detailed above. The Coroner's findings in the case of Awaab Ishak brought renewed focus on the issue of damp and mould with the Government requiring an action plan to be submitted along with statistical returns. This also saw an increase in the number of damp and mould related service requests and the PPP's output of advice. The following guidance is available for the public and landlords [Keeping Your Home Free from Damp and Mould Document](#) and the issue is regularly highlighted via the Services social media output.

Regulation of Letting Agents

The Trading Standards Service which also sits within the PPP has a range of responsibilities in respect of letting agents. These include the enforcement of the requirements on tenants' deposits, the legislation relating to tenants' fees and the 'minimum energy efficiency standards' (MEES) for rented properties. The service is also responsible for the regulation of property descriptions and wider fair / unfair trading legislation in so far as it relates to the sector.

- 3.3 The Council's Housing Service deals with a range of statutory functions relating to homelessness and wider housing duties of the local authority. This includes the management and distribution of the Household Support Fund and the strategic and operational migration functions.
- 3.4 The Council does not currently enforce illegal evictions although the PPP has looked into a number of matters. Housing provide advice where appropriate.

4. Renters Rights Bill (2024)

- 4.1 The Renters Rights Bill started life under the previous Conservative Government as the Renters Reform Bill which fell away prior to the election in 2024. An updated 'Rights' Bill was published in the autumn of 2024 which significantly extended previous proposals to take account of manifesto commitments of the incoming Labour Government. The Bill seeks to introduce a whole range of new protections for tenants, strengthen enforcement and embed improved housing standards in the rented sector. Specifically, it proposes:
- Abolition of section 21 'no fault' (no reason) evictions and moving to a new tenancy structure where all assured tenancies are periodic – providing more security for tenants and empowering them to challenge poor practice and unfair rent increases without fear of eviction.
 - Steps to equalise the fairness of possession grounds for both parties, giving tenants more security, while ensuring landlords can recover their property

when it's reasonable to do so. The Bill introduces new safeguards for tenants, giving them more time to find a home if landlords evict to move in or sell, and ensuring unscrupulous landlords cannot misuse grounds. Section 8 of the Housing Act 1988 is being extended with a range of updated mandatory and discretionary grounds for eviction.

- Provide stronger protections against so called 'backdoor evictions' by ensuring tenants are able to appeal excessive above-market rents which are purely designed to force them out. Landlords will still be able to increase rents to market price for their properties and an independent tribunal will make a judgement on whether they are excessive if needed.
- Introduce a new Private Rented Sector Landlord Ombudsman that will provide binding resolutions for tenants' complaints about their landlord. This will bring tenant-landlord complaint resolution on par with established redress practices for tenants in social housing and consumers of property agent services.
- Create a Private Rented Sector Database providing advice to landlords. This will also support local authorities – helping them target enforcement activity where it is needed most. Landlords will need to be registered on the database in order to use certain possession grounds.
- Tenants will be given the right to request a pet in the property which the landlord must consider and cannot unreasonably refuse. Landlords will be able to require pet insurance to cover any damage to their property.
- Apply the Decent Homes Standard to the private rented sector to give renters safer, better value homes and remove the blight of poor-quality homes in local communities. The Decent Homes Standard covers issues such as repair, living standards e.g. kitchens must be under 20 years old as well as protections from cold homes through insulation etc.
- Apply 'Awaab's Law' to the sector, setting clear legal expectations about the timeframes within which landlords in the private rented sector must take action to make homes safe where they contain serious hazards.
- Make it illegal for landlords and agents to discriminate against prospective tenants in receipt of benefits or with children.
- End the practice of rental bidding by prohibiting landlords and agents from asking for or accepting offers above the advertised rent. Landlords and agents will be required to publish an asking rent for their property and it will be illegal to accept offers made above this rate.
- Strengthen local authority enforcement by expanding civil penalties, introducing a package of investigatory powers and bringing in a new requirement for local authorities to report on enforcement activity.
- Strengthening of rent repayment orders by extending them to superior landlords, doubling the maximum penalty and ensuring repeat offenders have to repay the maximum amount.

- 4.2 In relation to new powers for local authorities and their authorised officers. These include:
- An extension of civil penalties and rent repayment orders, placing a new duty on the council to take enforcement action. The Government are looking at introducing a national framework for setting civil penalties based on clear culpability and harm considerations, supporting a consistent approach to civil penalty setting and reducing the likelihood of reductions on appeal. Currently officers work with Justice for Tenants who provide a notice checking service on contract to the Government.
 - Enhanced powers of investigation to give environmental health housing staff similar powers to trading standards for these purposes. These will include new enhanced investigatory powers that will make it easier for local councils to obtain financial information from landlords and third parties when seeking to build a case for suspected breaches of the Act. This will also include the power to enter business premises and – in more limited circumstances – residential premises to obtain on-site evidence.
 - A power to issue civil penalties against landlords who fail to comply with the provisions of the Act e.g. if they fail to register on the Private Rented Sector Database or with the Ombudsman or abuse the new grounds of possession or against landlords who evict their tenants illegally.
 - The penalty levels will be raised with a minor breach incurring a civil penalty of up to £7,000 and serious or repeat non-compliance civil penalty of up to £40,000. Alternatively, officers will be able to pursue a criminal prosecution with an unlimited fine.
 - Extension of the rent repayment order system to some of the new offences in the bill, increasing the maximum penalty to two years' rent and requiring repeat offenders to repay the maximum amount of rent.
- 4.3 In terms of timing the Bill has passed all stages in the House of Commons and is now at Second Reading in the Lords. It is likely to receive Royal Assent in the spring and then be introduced in stages by commencement order. The Government have indicated that the first package of measures to be introduced will be those relating to evictions (including the revocation of Section 21 and updating of Section 8) and enforcement of matters relating to breaches of these provisions.

5. Supported Living (Regulatory Oversight) Act 2023

- 5.1 The Supported Living (Regulatory Oversight) Act 2023 came into force on the 29th August 2023 having started life as a Private Members' Bill. The aim of the Act is to address concerns over the level of care provided in 'exempt accommodation'. Previously the National Audit Office had looked at the sector and identified a regulatory deficit and the Levelling Up, Housing and Communities Select Committee had described the experiences of some accommodated in the sector as 'beyond disgraceful'.
- 5.2 Supported accommodation provides residents with care, supervision or support. It is usually managed by a local authority, housing association, charity or voluntary organisation. 'Exempt accommodation' is accommodation where the normal cap on

housing benefit does not apply allowing for payment for some degree of care or support.

- 5.3 The Act itself allows the Government to set up the 'Supported Housing Advisory Panel'. Applications for panel membership closed in December 2024. Once appointed the panel will have representatives from local authorities, charities, social service, social landlords and residents. The Act also allows the Government to put in place new National Supported Housing Standards and licensing powers. These could include the type or condition of accommodation, as well as the care or support provided.
- 5.4 The proposed licensing regime would be administered by local authorities and is described as being akin to the existing HMO licensing scheme. However, this will not be introduced until such time as the National Supported Housing Standards are in place.
- 5.5 Local authorities are also tasked with carrying out a review of supported housing accommodation in their areas and producing a 'supported housing strategy'. The strategy will be cognisant of the demand in the coming five years. Once the strategy has been published the social services and the statutory housing services of an authority must have regard to it.
- 5.6 In terms of implementation timing there is still a fair degree of uncertainty. The next stages are the formation of the advisory panel and there will be a consultation on the standards and licensing regime. More should be known in the near future.

6. Next Steps

- 6.1 The impact of the Renters Reform Bill is not yet known. The abolition of the Section 21 no fault evictions could lead to a number of evictions ahead of enactment as landlords seek to exit the market or evict tenants they see as problematic. The PPP are currently dealing with a number of housing matters where Section 21 evictions have been instigated. There may also be rent increases ahead of implementation.
- 6.2 It is clear that both pieces of legislation will have impacts for the Council and this will include resource impacts. The Government have stated that new burdens funding will be available but at this stage the amount is not known. What is known is that it is going to be a Section 31 ringfenced payment and there is likely to be some monies in 2025/26 and full year payment in 2026/27. Monies from penalties is also going to be statutorily ringfenced.
- 6.3 Staff from PPP are engaged in a range of briefings and training being provided as part of the Operation Jigsaw implementation plan for the Renters Reform Bill. One of the challenges is that staff with training in private sector housing are generally difficult to recruit and these new provisions could require a step increase in both numbers and breadth of knowledge. Suggestions are that changes to eviction rules could be in place as early as April 2025.
- 6.4 Finally, on the timing of the implementation of the supported living legislation there is still a great deal of uncertainty but the appointment to the panel would suggest that the journey has begun.

7. Appendices

None

Background Papers:

None

Health and Wellbeing Priorities Supported:

The proposals will support the following Health and Wellbeing Strategy priorities:

- Reduce the differences in health between different groups of people
- Support individuals at high risk of bad health outcomes to live healthy lives
- Help families and young children in early years
- Promote good mental health and wellbeing for all children and young people
- Promote good mental health and wellbeing for all adults

The proposals contained in this report will support the above Health and Wellbeing Strategy priorities by helping to mitigate the impacts of the cost of living increases.
