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| **Briefing Note** |
| **Date:** March 2022 |  |
| **Housing Update for the Private Renters Forum - Strategy and Policy (Place)** | |

This briefing note summarises recent updates and legislative changes announced by the DLUHC and the government since 21st December 2021 through 3rd March 2022.

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# **Ending ‘no fault’ section 21 evictions**

The House of Commons Library published a research briefing paper on 31 December 2021 covering the background and reactions to date to the government’s announcement that it is committed to abolishing 'no-fault' section 21 evictions in the private rented sector. A White Paper is expected in 2022. The research briefing can be found here: [The end of 'no fault' section 21 evictions - House of Commons Library (parliament.uk)](https://commonslibrary.parliament.uk/research-briefings/cbp-8658/)

# **Cladding and fire risk in flats**

On 10 January 2022, the Secretary of State for Levelling Up, Housing and Communities, Michael Gove, wrote to the residential property developer industry and warned developers that they must pay to fix the cladding crisis that they caused, giving them a deadline of early March to agree a fully funded plan of action including remediating unsafe cladding on 11-18 metre buildings, currently estimated to be £4 billion. He warned that he will take all steps necessary to make this happen, including restricting access to government funding and future procurements, the use of planning powers and the pursuit of companies through the courts. He added that if industry fails to take responsibility, the government will, if necessary, impose a solution in law.

On the same day the Secretary of State made a statement to Parliament resetting the Government’s approach to building safety and guaranteeing that no leaseholder living in their own flat will have to ‘pay a penny’ to fix unsafe cladding. Mr Gove outline a four-point plan:

* Opening up the next phase of the Building Safety Fund to drive forward taking dangerous cladding off high-rise buildings, prioritising the Government’s £5.1 billion funding on the highest risk
* Those at fault will be held properly to account: a new team is being established to pursue and expose companies at fault, making them fix the buildings they built and face commercial consequences if they refuse
* Restoring common sense to building assessments: indemnifying building assessors from being sued; and withdrawing the old, misinterpreted government advice that prompted too many buildings being declared as unsafe; and
* New protections for leaseholders living in their own flats: with no bills for fixing unsafe cladding and new statutory protections for leaseholders within the Building Safety Bill.

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| The letter to developers and the DLUHC announcement can be found here: [Letter from the DLUHC Secretary of State to the residential property developer industry (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1045412/Letter_to_Residential_Property_Developer_Industry.pdf) |

# **Short-term lettings – England**

The House of Commons Library published a research briefing on 14 January 2022 which examines the growth in short-term lettings and calling for greater regulation of the sector in England. It provides a brief overview of the regulatory approaches in other countries. [CBP-8395.pdf (parliament.uk)](https://researchbriefings.files.parliament.uk/documents/CBP-8395/CBP-8395.pdf)

# **Understanding the possession action process: Updated guidance for** **landlords and tenants**

The guidance for landlords and tenants in the private and social rented has recently been updated to include a Call-out box added on the lifting of Plan B measures on 19 January 2022. The guidance documents can be found here: [Understanding the possession action process: guidance for landlords and tenants - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants#full-publication-update-history)

# **New online service to track remediation of high-risk buildings**

On 20 January 2022, the DLUHC announced that under the new Leaseholder and Resident Service, those living in tower blocks will have access to updates on the status of their building’s application to the government’s Building Safety Fund. This will help leaseholders to understand where their building is in the process. The tailored service is designed to speed up the process of removing unsafe non-ACM cladding from the highest risk buildings, forcing building owners to be more transparent, and exposing those who have failed to take action to make their buildings safe. To access the service [Remediation of non-ACM buildings - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/remediation-of-non-acm-buildings#building-safety-fund-bsf-leaseholder-and-resident-service)

# **Combustible cladding manufacturers**

On 23 January 2022, Michael Gove, the Secretary of State for Levelling Up, threatened a UK trading ban on manufacturers of combustible cladding and insulation unless they agree by March 2022 to pay to fix dangerous housing. The warning was included in a letter from Mr Gove to the Construction Products Association [Letter to the Construction Products Association (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1049251/22-01-22_Letter_to_CPA_from_DLUHC_SoS.pdf)

# **Right to rent checks**

The Home Office announced, on 19 January 2022, that new digital identity checking technology which the Home Office says will make it quicker, safer and more convenient for landlords to carry out right to rent checks, will be introduced from 6 April 2022. From that date certified identity service providers (IDSPs) will be able to use Identification Document Validation Technology (IDVT) to conduct right to rent checks on behalf of British and Irish citizens. IDSPs will allow people to verify their identity remotely and prove their eligibility to work or rent, which the Government says will reduce the costs of recruitment and letting processes. [New digital identity checking for landlords and employers to tackle immigration abuse - GOV.UK (www.gov.uk)](https://www.gov.uk/government/news/new-digital-identity-checking-for-landlords-and-employers-to-tackle-immigration-abuse)

# **Private rental growth measures: January to December 2021**

On 20 January 2022, the ONS published a comparison of growth in the Index of Private Housing Rental Prices (IPHRP) with other measures of private rental growth. The IPHRP for December 2021, published on 19 January 2022, showed that:

* Private rental prices paid by tenants in the UK rose by 1.8 per cent in the 12 months to December 2021, up from 1.7 per cent in the 12 months to November 2021.
* Private rental prices grew by 1.8 per cent in England, 1.5 per cent in Wales and 2.3 per cent in Scotland in the 12 months to December 2021.
* The East Midlands saw the highest annual growth in private rental prices (3.3 per cent), while London saw the lowest (negative 0.1 per cent).

For the IPHRP for December 2021, [Index of Private Housing Rental Prices, UK - Office for National Statistics (ons.gov.uk)](https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/indexofprivatehousingrentalprices/december2021) For the comparison document, [Private rental growth measures, a UK comparison - Office for National Statistics (ons.gov.uk)](https://www.ons.gov.uk/economy/inflationandpriceindices/articles/comparingmeasuresofprivaterentalgrowthintheuk/januarytodecember2021)

# **Regulation of private renting: National Audit Office report**

On 10 December 2021, the National Audit Office published a report [Regulation of private renting (nao.org.uk)](https://www.nao.org.uk/wp-content/uploads/2021/09/Regulation-of-private-renting.pdf) on the regulation of private renting in England. The report covers:

* the coherence of the DLUHC’s regulatory strategy, and whether this is based on a good understanding of the challenges within the sector;
* the extent to which the DLUHC’s oversight of and support for local authority regulation of providers (landlords and lettings agents) contribute to its aims for the sector; and
* whether tenants are adequately supported to resolve problems and ensure they get a fair deal.

The report finds that there is evidence that a concerning proportion of private renters live in unsafe or insecure conditions with limited ability to exercise their rights. The DLUHC has made various regulatory changes aimed at improving experiences for renters, including banning letting fees and introducing temporary protections during the Covid-19 pandemic. However, the way that private renting is regulated means that these changes are not effective in ensuring the sector is consistently fair for renters.

# **Universal Credit and rent**

The National Residential Landlords Association reported on 20 January 2022, the results of a YouGov poll of private landlords across England and Wales that found that almost one in ten private landlords (9 per cent) renting to Universal Credit claimants have experienced at least one tenant having difficulties paying their rent due to benefit cuts. The NRLA has warned that this will only become worse as a result of the government’s decision last year to freeze in cash terms housing cost support. As a result, in the years ahead the level of benefit support available will be able to cover the rent on ever fewer numbers of properties: [Poll reveals damage of benefit cuts to renters | NRLA](https://www.nrla.org.uk/news/poll-reveals-damage-of-benefit-cuts-to-renters)

# **Buildings insurance for multiple-occupancy residential buildings**

The Secretary of State for Levelling Up, Housing and Communities, published a letter on 28 January 2022 to the Financial Conduct Authority (FCA) and Competition and Markets Authority (CMA) requesting a review into the buildings insurance market for multiple-occupancy residential buildings. [Letter from the Secretary of State for Levelling Up, Housing and Communities to the FCA and CMA. (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050940/28-01-22_Letter_from_DLUHC_SoS_to_CMA__FCA_Chief_Executives.pdf)

# **Waking Watch Replacement Fund opens for applications**

On 27 January 2022, the DLUHC announced additional £27 million to install fire alarms in all buildings where a Waking Watch is in place. The funding will be available for buildings of all heights, rather than just being limited to those over 18 metres. It is hoped that this will help end the misuse of Waking Watch and encourage the installation in an estimated 300 additional buildings of fire alarms, which are proven to be both more effective and cheaper in the long term. [Waking Watch Replacement Fund Application Form (Page 1 of 7) (office.com)](https://forms.office.com/pages/responsepage.aspx?id=EGg0v32c3kOociSi7zmVqM6bzhedg7pCnP-lY5nd481UQk9ROVFCQ0pLV1oxQUpaNDRZUlNLWDhZQy4u)

# **Estimates of dwellings and households by tenure 2020 – England**

On 31 January 2022, the ONS published estimates which provide the breakdown of dwellings and households by tenure, for local authority districts in England in 2020. The key points are:

* Across local authority areas in England there was an increase of 1.6 million dwellings owned outright between 2012 and 2020, but a decrease of 0.6 million dwellings owned with a mortgage.
* All local authorities contained more dwellings owned outright in 2020 than in 2012; 99 per cent of local authorities contained more privately rented dwellings, and three-quarters (74 per cent) more social-rented dwellings.
* There is a wide variation in tenures within local authorities across England, with local authority areas on the outskirts of towns and cities showing different patterns from those in more urban areas.

[Subnational estimates of dwellings and households by tenure, England - Office for National Statistics (ons.gov.uk)](https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/researchoutputssubnationaldwellingstockbytenureestimatesengland2012to2015/2020)

# **Levelling up white paper published**

On 2 February 2022, the DLUHC published its white paper on levelling up: [Levelling Up the United Kingdom - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/levelling-up-the-united-kingdom). In respect of housing, the government said:

* The ‘80/20 rule’ which leads to 80 per cent of government funding for housing supply being directed at ‘maximum affordability areas’ – in practice, London and the South-East – will be scrapped, with much of the £1.8 billion brownfield funding instead being diverted to transforming brownfield sites in the North and Midlands. The Metro Mayors will be allocated £120 million of this funding.
* The government will announce a plan that all homes in the Private Rented Sector will have to meet a minimum standard – the Decent Homes Standard. Section 21 ‘no fault’ evictions will further be abolished, ending the unfair situation where renters can be removed from their homes for no reason. The government will consult on introducing a landlords register and will set out plans for a crackdown on rogue landlords, making sure fines and bans stop repeat offenders leaving renters in terrible conditions.
* Home ownership will be boosted due to a new £1.5 billion Levelling Up Home Building Fund being launched, which will provide loans to SMEs and support the UK government’s wider regeneration agenda in areas that are a priority for levelling up.
* The government will further commit to building more genuinely affordable social housing. A new Social Housing Regulation Bill will deliver upon the commitments the government made following the Grenfell tragedy in 2017.

# **Landlord possession statistics – England and Wales**

On 10 February 2022, the Ministry of Justice published quarterly national statistics on possession claim actions in county courts by mortgage lenders and social and private landlords. The statistics cover the period from October to December 2021. When compared to the same quarter in 2019, landlord possession claims, orders, warrants and repossessions by county court bailiffs decreased by 43, 67, 67 and 64 per cent respectively. However, when compared to the same quarter in 2020, over 100 per cent increases were recorded across all actions, except for claims issued which rose 72 per cent. Possession claims rose from 8,382 to 14,433, orders from 2,195 to 6,849, warrants from 1,792 to 4,256 and repossessions from 548 to 2,706. These statistics (combined with those for mortgage possession) can be found here: [Mortgage and landlord possession statistics: October to December 2021 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-october-to-december-2021/mortgage-and-landlord-possession-statistics-october-to-december-2021)

# **Homelessness: councils warn of ‘tidal wave**

On 22 February 2022, Crisis reported findings from the Homelessness Monitor: England 2022, commissioned by the charity and led by Heriot-Watt University. The report found that of 155 councils surveyed across England, nearly all (97 per cent) say the end of the eviction ban will lead to an increase in homelessness, while 80 per cent say the recent £20 cut to universal credit will contribute to rising homelessness. The overwhelming majority also warn that other financial policies such as the freeze on Local Housing Allowance (LHA) rates (77 per cent) and the benefit cap (71 per cent) are likely to cause an increase in homelessness in their areas. [‘We are expecting a tidal wave’ - councils warn of rising homelessness as financial pandemic protections are pulled back | Crisis | Together we will end homelessness](https://www.crisis.org.uk/about-us/media-centre/we-are-expecting-a-tidal-wave-councils-warn-of-rising-homelessness-as-financial-pandemic-protections-are-pulled-back/)

# **Rough sleeping snapshot in England: autumn 2021**

The DLUHC published a statistical release about the annual single night snapshot of the number of people sleeping rough in local authorities across England. [Rough sleeping snapshot in England: autumn 2021 - GOV.UK (www.gov.uk)](https://www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2021/rough-sleeping-snapshot-in-england-autumn-2021)

The main findings are:

* The number of people estimated to be sleeping rough on a single night in autumn has fallen for the fourth year in a row from its peak in 2017. At the same time, the number of people estimated to be currently in emergency accommodation has fallen by over half on the same period last year.
* The snapshot overall remains higher than 2010 when the snapshot approach was introduced.
* There were 2,440 people estimated to be sleeping rough on a single night in autumn 2021. This is down by 250 people or 9 per cent from last year and down 49 per cent from the peak in 2017 but is up by 670 people or 38 per cent since 2010. At the same time, the number of people estimated to be in emergency and short-term accommodation in November is down 5,490 people or 56 per cent from the same period last year.
* Rough sleeping decreased in every region of England compared to the previous year. The largest decrease in the number of people estimated to be sleeping rough was in London, where there were 640 people this year compared to 710 people last year. This is down by 70 people or 10 per cent from last year.
* Nearly half (45 per cent) of all people sleeping rough on a single night in autumn were in London and the South- East.
* Most people sleeping rough in England were male, aged over 26 years old and from the UK. This is similar to previous years.
* Unlike last year, this year’s rough sleeping snapshot did not coincide with significant Covid-19 related restrictions which may have impacted people’s risk of rough sleeping.

# **Social Housing Reform in England: What Next?**

The House of Commons Library published a briefing paper on 25 February 2022 outlining the measures set out in the government's social housing white paper, stakeholder reaction and the next steps. [Research Briefing Publications - House of Commons Library (parliament.uk)](https://commonslibrary.parliament.uk/type/research-briefing/)

# **Repeal of the Vagrancy Act 1824**

The Home Office published an updated policy paper on 28 February 2022 in which it re-confirmed that it considers the Vagrancy Act 1824 to be antiquated and no longer fit for purpose, and that it will repeal “this outdated Act”. [Police, Crime, Sentencing and Courts Bill 2021: repeal of the Vagrancy Act 1824 factsheet - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-repeal-of-the-vagrancy-act-1824-factsheet)

The government has tabled an amendment to the Police, Crime, Sentencing Courts Bill that provides for the 1824 Act to be repealed in full in England and Wales. This includes repealing section 3 of the Act, which currently makes begging an offence, and section 4 of the Act, which currently creates a range of offences including persons who sleep in an outdoor setting, or in any deserted or unoccupied building. However, in order “to ensure that the police have the tools they need the Act’s repeal will not be commenced until appropriate replacement legislation is in place”. The government says that it will seek to bring forward such replacement as soon as practicable.

# **New legislation/Bills.**

## **Social Housing (Emergency Protection of Tenancy Rights)**

This Private Members' Bill would give social housing tenants the right to continuity of secure tenancy in circumstances when they have to move because of a threat to the personal safety of the tenant or someone in their household; and to place associated responsibilities on local authorities and social housing providers. Second reading of the Bill is scheduled to take place on 18 March 2022. The Bill awaits publication.

## **Homeless People (Current Accounts) Bill UPDATED**

This Private Members’ Bill would require banks to provide current accounts for homeless people seeking work. It was presented to Parliament on 21 June 2021. Second reading has been further postponed to 18 March 2022. The Bill awaits publication.

## **Housing Standards (Refugees and Asylum Seekers) Bill UPDATED**

This Private Members’ Bill would make provision for national minimum standards in accommodation offered to refugees and asylum seekers. It was presented to Parliament on 21 June 2021. Second reading has been further postponed to 18 March 2022.The Bill awaits publication.

## **Homeless People (Current Accounts) Bill UPDATED**

This Private Members’ Bill would require banks to provide current accounts for homeless people seeking work. It was presented to Parliament on 21 June 2021. Second reading has been further postponed to 18 March 2022. The Bill awaits publication.

## **Evictions (Universal Credit) Bill UPDATE**

This Private Members’ Bill would place a duty on the Secretary of State to prevent the evictions of Universal Credit claimants in rent arrears. It was presented to Parliament on 21 June 2021. Second reading has been further postponed to 18 March 2022. The Bill awaits publication.

## **Building Safety Bill**

This Government Bill would make provision about the safety of people in or about buildings and the standard of buildings, to amend the Architects Act 1997, and to amend provision about complaints made to a housing ombudsman. The Bill completed its passage through the House of Commons on 19 January 2022. It received its first reading in the House of Lords on 20 February 2022. It received its second reading on 2 February 2022. The Committee stage began on 21 February 2022.

## **Fire Safety Remediation Charges (Recovery and Enforcement) Bill**

This Private Members’ Bill would introduce a moratorium on recovery and enforcement action by freeholders and managing agents relating to service charges increases, fees or demands for payment in respect of leaseholders’ share of the costs of fire safety remediation work. It was presented to Parliament on 24 January 2022. Second reading is scheduled to take place on 18 March 2022. The Bill awaits publication.

## **Asylum Seekers (Accommodation Eviction Procedures) Bill**

This Private Members’ Bill, sponsored by Chris Stephens, would make provision for asylum seekers to challenge the proportionality of a proposed eviction from accommodation before an independent court or tribunal; and establish asylum seeker accommodation eviction procedures for public authorities. It was presented to Parliament on 21 June 2021. The second reading was postponed to 14 January 2022 but was not debated on that day. The Bill awaits publication.

## **Fire and Building Safety (Public Inquiry) Bill**

This Bill would establish an independent public inquiry into the Government’s response to concerns about fire and building safety. It was introduced to Parliament on Tuesday 6 July 2021 under the Ten-Minute Rule. Second reading has been rescheduled to 18 March 2022. For the Bill, as introduced, can be found here: [Fire and Building Safety (Public Inquiry) Bill (parliament.uk)](https://publications.parliament.uk/pa/bills/cbill/58-02/0142/210142.pdf)

## **Under-Occupancy Penalty (Report) Bill**

This Private Members’ Bill would require the Secretary of State to report to Parliament on the merits of repealing those provisions of the Welfare Reform Act 2012 which provide for persons to be paid reduced rates of housing benefit or Universal Credit because their accommodation is deemed to be under-occupied. It was presented to Parliament on 21 June 2021 and will receive its second reading on 14 January 2022.The Bill awaits publication.