

Frontline Network, Section 21 repeal: call to evidence

At the Frontline Network, we support frontline workers from the public, statutory and voluntary sectors, who work with individuals experiencing homelessness. We recently sought the views of frontline workers through an online survey on the Government's plan to remove Section 21 of the Housing Act 1988.

Our seven-question survey confirmed that frontline workers strongly believe landlords should no longer be able to evict tenants at short notice, and without good reason. However, frontline workers also stressed that any future tenancy reform must improve tenancy rights and increase access to accommodation – especially for those experiencing homelessness.

Key Findings

Between 15th August 2019 – 10th September 2019, the Frontline Network conducted an online survey on repealing Section 21, which was responded to by 51 frontline workers. Overall, the results suggest frontline workers believe the repeal of Section 21 is a positive step in providing increased stability for tenants:

- 73% of frontline workers believed that Section 21 (Housing Act 1988) should be repealed, in contrast to 12% who didn't (15% were unsure).
- Most significantly, 84% of frontline workers stated they have supported individuals who have been made homeless as a result of receiving a Section 21 eviction notice.
- A further 75% of frontline workers believe that Section 21 (Housing Act 1988) has either a negative or very negative impacted upon their ability to prevent homelessness.
- Most frontline workers, 71%, believed that repealing Section 21 (Housing Act 1988) would have a positive or very positive impact on their ability to prevent homelessness in the future.

Our seventh question asked frontline workers: 'What future tenancy-reforms would improve your ability to prevent homelessness?'. The open-comment responses to this question were coded against recurring themes. Below is a summary of the recurring themes and supporting quotes:

Improved tenancy rights

"Provide greater security of tenure, perhaps through the introduction of a range of grounds which affords greater security to tenants whilst still giving landlords (more restricted) freedom" (Frontline Worker, 2019).

Repealing Section 21, and bringing an end to no-fault evictions, has the potential to tackle one cause of homelessness in the UK: eviction from privately rented homes. However, in order to improve frontline workers' ability to prevent homelessness, many frontline workers state that stronger tenancy rights should be a central focus of future tenancy reform.

Frontline Workers believe future tenancy law must give adequate notice, as well as legal recourse, to individuals wishing to appeal a landlord's eviction request. Unlike Section 21,

tenants have a right to challenge a Section 8 notice, which serves as an important protection from unfair evictions. However, frontline workers have insisted that any changes to Section 8 (Housing Act 1988) should maintain the two-month notice period as stated in Section 21, before a landlord can take legal action to seek possession of the property.

At present, frontline workers see many people they support subject to a five-week wait at the start of a Universal Credit (UC) claim. This can often result in households being left with little to no financial support for over a month. Such a serious issue can result in many accruing rental arrears while processing a UC claim, through no fault of their own. Considering these circumstances, frontline respondents believe it should be at a judge's discretion, and not a mandatory ground, for a Section 8 possession notice to be awarded due to rental arrears.

Frontline Workers also believe if a valid Section 8 notice is served against someone, they should not be automatically categorised as 'intentionally homeless'. At present, those served with a valid Section 21 notice will be classified by a local authority as threatened with homelessness and supported under the Homeless Reduction Act (2017). In future, the issuance of a Section 8 notice must be interpreted by the local authority in line with the statutory prevention duties ([section 195\(6\)](#)) owed under HRA 2017.

Increased access to accommodation

“The repeal of section 21 may have the unwanted impact of further reducing stock of housing available to homeless individuals, especially those with difficult housing histories. I would like to see reforms increase the stock of social housing and allow councils to retain all monies from right to buy and ensure this money is then used to build replacement social housing”. (Frontline Worker, 2019)

Some frontline workers have said that removing Section 21 may make it difficult for local authorities to house individuals within the private rented sector and could also increase the number of individuals in temporary accommodation. While repealing Section 21 is welcome, frontline workers have suggested that it needs to be supported with reforms which seek to address the root causes of homelessness.

Within our annual frontline worker survey¹, responded to by 833 frontline workers, several key areas were cited as 'difficulties' in accessing accommodation in the private rented sector:

- Stagnant LHA (Local Housing Allowance) rates
- Housing market pressures
- A lack of social housing being built
- The cost of a deposit
- Delays in new Universal Credit claims

Several frontline workers mentioned LHA rates and limited supplies of affordable houses as key barriers to accessing accommodation. Indeed, in many parts of the country, LHA rates are failing to support people to afford even the lowest rents.

Many frontline workers responding to this survey maintained that LHA rates should be recalculated in line with PRS rental costs, and that greater funding is committed to increase the supply of affordable housing in the UK.

¹ Annual Frontline Worker Survey 2018: Full Report : <http://frontlinenetwork.org.uk/media/1743/full-survey-report-2018-pdf.pdf>

“Ironically, section 21 allows some landlords to take a chance on prospective tenants who otherwise they may not consider as they have a relatively short period before they can evict if problems occur”. (Frontline Worker, 2019)

While most are in favour of its repeal, some frontline workers also raised the issue of whether removing Section 21 could result in more restrictive pre-tenancy checks. The above frontline worker quote highlights that accessing accommodation for individuals experiencing homelessness may become more difficult once Section 21 is removed, if landlords are reluctant to offer accommodation.

Concluding remarks

Overall, frontline workers have strongly welcomed repealing legislation (Section 21), which allows eviction notices to be served at short notice, and without good reason. However, in the absence of a Section 21 notice, improved tenancy rights must be implemented by the Government.

This will mean, in the event of an eviction notice being served, that legal recourse is available to tenants and the appropriate preventative duties are exercised by the local authority.

Nevertheless, many frontline workers have suggested that removing Section 21 could have the unintended consequence of making it harder to access accommodation, with more restrictive pre-tenancy checks.

In order to improve access to accommodation for individuals experiencing homelessness, frontline workers ask for a renewed focus, and greater funding, to tackle the root causes of access to accommodation.