

Deregulation Bill

AMENDMENTS
TO BE MOVED
ON REPORT

After Clause 34

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
BARONESS GRENDER
LORD STONEHAM OF DROXFORD
LORD TOPE

Insert the following new Clause—

“Preventing retaliatory evictions

In the Housing Act 1988, after section 21 insert—

“21A Preventing retaliatory evictions

- (1) A notice under section 21(1)(b) or (4)(a) (a “section 21 notice”) may not be given in relation to an assured shorthold tenancy of a dwelling-house in England within six months beginning with the day of service of a relevant notice in relation to the dwelling-house.
- (2) A section 21 notice given in relation to an assured shorthold tenancy of a dwelling-house in England is invalid if—
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) since the section 21 notice was given, the relevant local housing authority has served a relevant notice in relation to the dwelling-house.
- (3) It is a defence to proceedings for an order under section 21 in relation to an assured shorthold tenancy of a dwelling-house in England that—
 - (a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and
 - (b) subsection 4 applies.

After Clause 34—*continued*

- (4) This subsection applies if—
 - (a) the relevant local housing authority has not decided whether to inspect the dwelling-house or the common parts,
 - (b) the relevant local housing authority has decided to inspect the dwelling-house or the common parts but has not conducted an inspection,
 - (c) the relevant local housing authority has conducted an inspection of the dwelling-house or the common parts but has not decided whether to serve a relevant notice, or
 - (d) the relevant local housing authority has decided to serve a relevant notice in relation to the dwelling-house but the relevant notice has not been served.
- (5) Subsection (1) does not apply where—
 - (a) the relevant notice has been wholly revoked under section 16 of the Housing Act 2004 (revocation and variation of improvement notices) as a result of the notice having been served in error,
 - (b) the relevant notice has been quashed under paragraph 15 of Schedule 1 to that Act (procedure and appeals relating to improvement notices),
 - (c) a decision of the relevant local housing authority to refuse to revoke the relevant notice has been reversed under paragraph 18 of Schedule 1 to that Act,
 - (d) a decision of the relevant local housing authority to take the action to which the relevant notice relates has been reversed under section 45 of that Act (appeals relating to emergency measures), or
 - (e) the relevant notice has been made subject to an order under section 29 of the Senior Courts Act 1981 (mandatory, prohibiting and quashing orders).
- (6) References in this section and section 21B to a relevant notice served, or relevant complaint made, in relation to a dwelling-house include a relevant notice served, or complaint made, in relation to any common parts of the building of which the dwelling-house forms a part.
- (7) But subsection (6) applies only if—
 - (a) the landlord has an estate or interest in the common parts in question, and
 - (b) the condition of those common parts is such as to affect the tenant's enjoyment of the dwelling-house or of any common parts which the tenant is entitled to use.
- (8) In this section and section 21B a reference to a complaint to a landlord includes a complaint made to a person acting on behalf of the landlord in relation to the tenancy.
- (9) In this section and section 21B—

“assured shorthold tenancy” means a tenancy within section 19A or 20 of this Act;

After Clause 34 – *continued*

“common parts”, in relation to a building, includes –

- (a) the structure and exterior of the building, and
- (b) common facilities provided (whether or not in the building) for persons who include one or more of the occupiers of the building;

“dwelling-house” has the meaning given by section 45 of this Act;

“relevant complaint”, in relation to a dwelling-house, means a complaint made –

- (a) to a landlord in writing, or
- (b) to a relevant local housing authority,

regarding the condition of the dwelling-house at the time of the complaint;

“relevant local housing authority”, in relation to a dwelling-house, means the local housing authority as defined in section 261(2) and (3) of the Housing Act 2004 within whose area the dwelling-house is located;

“relevant notice” means –

- (a) a notice served under section 11 of the Housing Act 2004 (improvement notices relating to category 1 hazards),
- (b) a notice served under section 12 of that Act (improvement notices relating to category 2 hazards),
- (c) a notice served under section 28 of that Act (hazard awareness notices relating to category 1 hazards),
- (d) a notice served under section 29 of that Act (hazard awareness notices relating to category 2 hazards), or
- (e) a notice served under section 40(7) of that Act (emergency remedial action).

21B Further exemptions to section 21A

- (1) Subsections (1) to (3) of section 21A do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice, or consideration of whether to serve a relevant notice, is due to a breach by the tenant of –
 - (a) the duty to use the dwelling-house in a tenant-like manner, or
 - (b) an express term of the tenancy to the same effect.
- (2) Subsection (3) of section 21A does not apply if the court considers that the relevant complaint is totally without merit.
- (3) Subsections (1) to (3) of section 21A do not apply where the dwelling-house is genuinely on the market for sale.
- (4) For the purposes of subsection (3), a dwelling-house is not genuinely on the market for sale if, in particular, the landlord intends to sell the landlord’s interest in the dwelling-house to –
 - (a) a person associated with the landlord,
 - (b) a business partner of the landlord,

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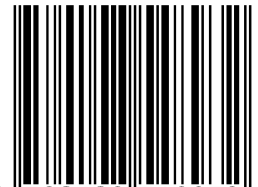
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