

Rented Homes Bill [HL]

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B I L L

TO

Amend the Housing Act 1988 to abolish assured shorthold tenancies; to extend the grounds upon which landlords of residential housing may recover possession; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Abolition of assured shorthold tenancies: England

- (1) The Housing Act 1988 is amended as follows.
- (2) Omit sections 19A to 23.
- (3) In section 24(2)(a) (assured agricultural occupancies), omit “which is not an assured shorthold tenancy”. 5
- (4) In section 34 (new protected tenancies and agricultural occupancies restricted to special cases), omit subsections (2) and (3).
- (5) In section 39 (statutory tenants: succession), omit subsection (7).
- (6) Omit Schedule 2A (assured tenancies: non-shortholds).

2 Grounds for possession of assured tenancies 10

- (1) Schedule 2 to the Housing Act 1988 (grounds for possession of dwelling-houses let on assured tenancies) is amended as follows.
- (2) Omit Ground 1 and insert—

“Ground 1: Landlord intends to live in property

- (1) At the beginning of the tenancy — 15
 - (a) the landlord gave notice in writing to the tenant that possession might be recovered on this ground or the court is of the opinion that it is just and equitable in all the

- circumstances of the case to dispense with the requirement of notice, and
- (b) the court is satisfied that the landlord intends to occupy the property as the landlord's only or principal home for an indefinite period or for a period which appears to the court to be proportionate in all the circumstances, and which shall be not less than 12 months. 5
- (2) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to be read as referring to any one of them. 10
- (3) The court must be satisfied by oral and written evidence that the landlord has the intention mentioned in sub-paragraph (1)."
- (3) After Ground 2, insert –

“Ground 2A: Landlord intends to sell the property

- (1) At the beginning of the tenancy – 15
- (a) the landlord gave notice in writing to the tenant that possession might be recovered on this ground or the court is of the opinion that it is just and equitable in all the circumstances of the case to dispense with the requirement of notice, and 20
- (b) the court is satisfied that the landlord intends to sell the let property, or the premises of which the let property forms part, for market value to a person who is not associated with the landlord.
- (2) The court must be satisfied by oral and written evidence that the landlord – 25
- (a) is entitled to sell the let property,
- (b) has the intention mentioned in sub-paragraph (1), and
- (c) has already taken active steps to market the property and to find a purchaser. 30
- (3) Evidence under sub-paragraph (2)(c) may include –
- (a) a draft contract of sale which has been submitted to a named prospective purchaser; or
- (b) arrangements for the property to be offered for sale at auction on a specified date. 35
- (4) The Secretary of State may by regulations made by statutory instrument set out other matters or circumstances which may be regarded by the court as evidence under sub-paragraph (2)(c).
- (5) The Secretary of State may by regulations made by statutory instrument define an “associated” person for the purposes of sub-paragraph (1)(b).” 40

(4) Omit Ground 5 and insert –

“Ground 5: Property required for religious purposes

- (1) The court is satisfied that the property is required for use for religious purposes.
- (2) The court must be satisfied by oral and written evidence – 5
- (a) the property is held for the purpose of being available for occupation by a person engaged in the work of a religious denomination as a residence from which the duties of such a person are to be performed,
- (b) the property has previously been occupied by a person engaged in the work of a religious denomination as a residence from which that person’s duties were performed, and 10
- (c) the property is required for the purpose mentioned in subparagraph (a).” 15

(5) Omit Ground 6 and insert –

“Ground 6: Landlord intends to refurbish property

- (1) The court is satisfied that the landlord intends to carry out substantial works to the property, or to any premises of which the let property forms part. 20
- (2) The court must be satisfied by oral and written evidence that the landlord is entitled to refurbish the let property and that it would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord.
- (3) Evidence that the landlord has the intention to carry out the proposed works may include – 25
- (a) any planning permission which the intended refurbishment would require, and
- (b) a contract between the landlord and an architect or a builder which concerns the intended refurbishment.” 30

(6) After Ground 17 insert –

“Ground 18: Landlord’s family member intends to live in property

- (1) At the beginning of the tenancy –
- (a) the landlord gave notice in writing to the tenant that possession might be recovered on this Ground, or the court is of the opinion that it is just and equitable in all the circumstances of the case to dispense with the requirement of notice, and 35
- (b) the court is satisfied that a member of the landlord’s family intends to occupy the let property as that person’s only or principal home for an indefinite period or for a period which appears to the court to be proportionate in all the circumstances, and which shall be not less than 12 months. 40

(2) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to be read as referring to any one of them.

(3) The court must be satisfied by oral and written evidence that each of the landlord and the landlord's family member has the intention mentioned in sub-paragraph (1).”

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3 Tenancies to which section 1 applies

(1) With the exception set out in subsection (4), section 1 does not apply to a tenancy granted –

(a) before this Act comes into force, or

(b) on or after that date in pursuance of an agreement entered into, or an order of a court made, before this Act comes into force.

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(2) Section 1 does not apply to an agreement relating to a periodic tenancy which arises under section 5(2) of the Housing Act 1988 on the coming to an end of a fixed term tenancy which was entered into before this Act comes into force.

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(3) Subject to subsection (2), section 1 applies to an assured tenancy, whether periodic or for a fixed term, that comes into existence on or after the day this Act comes into force.

(4) At the end of the period of three years beginning with the day this Act comes into force, section 1 applies to any assured tenancy of a dwelling-house –

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(a) which is in existence on the day this Act comes into force, and

(b) to which that section does not otherwise apply by virtue of subsection (1) or (2).

(5) Subsection (4) does not apply to a tenancy in respect of which proceedings for possession have been issued before this Act comes into force.

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4 Final provisions

(1) In this Act, “tenancy” includes an agreement for a tenancy.

(2) The Secretary of State may by regulations made by statutory instrument make such other transitional, transitory or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act.

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(3) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

5 Short title, commencement and extent

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(1) This Act extends to England and Wales only.

(2) This Act shall come into force at the end of the period of six months beginning with the day on which it is passed.

(3) This Act may be cited as the Rented Homes Act 2020.

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To amend the Housing Act 1988 to abolish assured shorthold tenancies; to extend the grounds upon which landlords of residential housing may recover possession; and for connected purposes.

Baroness Greener

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