

Ensuring Rental Reform Works for Tenants and Landlords

A vision for the private rented sector of the
future

December 2023



About the APPG

The APPG for the Private Rented Sector exists to raise greater awareness of the private rented housing sector in Parliament; to provide a forum for parliamentarians to discuss issues pertinent to the sector and engage with ministers, landlords, tenants and other interested parties; and to hold inquiries into policy and operational issues on the sector and produce reports.

The APPG is made up of parliamentarians across the political spectrum with an interest in private rented accommodation. The group meets regularly to discuss matters pertaining to private rented housing, conducting inquiries, and hosting specialist witnesses to better inform deliberations.

Secretariat

The Public Affairs Company acts as the group's secretariat on behalf of its client, the National Residential Landlords Association.

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Acknowledgements

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Chair's Foreword

Andrew Lewer MBE MP

Chair of the APPG for the Private Rented Sector
Member of Parliament for Northampton South



As the UK continues to face an escalating housing crisis, the debate around plans to reform the private rented sector has also only become more intense.

Tenant groups point to English Housing Survey data showing that almost a quarter of private rented homes do not meet the Decent Homes Standard, higher than any other tenure. But landlord groups can also point to the same survey showing private renters are more likely to be satisfied with their accommodation than those in the social sector.

Tenant organisations raise concerns about the sheer cost of renting for many tenants, whilst landlords note that it is a result of the demand for rental housing far outstripping supply.

Tenants point to the unfairness of being evicted without being given a valid reason, but landlords raise concerns that ending section 21 repossessions will only work if the courts vastly improve the speed at which they process legitimate possession claims when it is ended.

It is positive that we finally have some certainty for the future of private rented housing in the form of the Renters (Reform) Bill, but both tenants and responsible landlords have equally valid concerns about the PRS and how the sector should be reformed.

As a member of the Levelling Up, Housing and Communities Select Committee, and the Chair of the All-Party Parliamentary Group on the Private Rented Sector, it is an issue that is of significant interest to me. I know how important it is that the Government gets these reforms right to ensure that tenants have security and that landlords have confidence to continue providing homes to rent.

The APPG recognises that there are of course differences in viewpoints and priorities between tenant groups and landlord organisations. At the end of the day, however, there is a recognition that both groups want the same thing – a healthy private rented sector that is affordable, safe and secure.

This is why we are publishing this pamphlet of opinions from key figures in the sector on how it should be reformed to ensure it works better for tenants and for responsible landlords. In doing so, it is important to identify what areas of common ground there are so that no one group feels like reform is detrimental to their needs and interests.

I'm extremely grateful to our contributors for their views and suggestions. As we continue to struggle with housing supply in the UK, a stable private rented sector is more important than ever. I'm hopeful that some of the proposals outlined in this pamphlet will help us get there.

Ian Fletcher, British Property Federation

Ian Fletcher is Director of Policy at the British Property Federation



Over the past decade, I have supported the growth of the Build-to-Rent (BtR) sector – pension funds building and maintaining purpose-built rental homes. Transparency is important, and so since 2016 the BPF has published (with Savills) quarterly statistics on BtR's growth and mapped it. As of Q1 2023, the BtR sector had a pipeline of 251,000 homes, with about 80,000 complete, and occupied by happy customers. I can say with confidence 'happy' because an independent organisation called Homeviews, asks the sector's customers to regularly rate their BtR homes.

There are some advantages to being a large landlord. That is not in any way to belittle the efforts of individual landlords, who have housed so many people over the past quarter of a century. Scale, however, diversifies risk, whereas for a one-property landlord, risk is concentrated in the behaviour of one tenant. It means some BtR landlords don't take deposits, because most tenants don't damage their homes, and the costs of taking 500 deposits outweighs the costs of damage. Scale means BtR can have services like Homeviews, whereas an individual landlord may only get one rating in five years and if that is unfair, it blots their record. BtR can also offer 24/7 management on site. And many BPF members provide redress voluntarily via the Housing Ombudsman.

Scale, however, has its disadvantages too. Selective licensing for instance, whilst it is a useful tool for local authorities, impacts BtR landlords with forms to fill in per unit, and fees per unit. This, on property that is new, of top quality, and managed 24/7. A licensing service that therefore costs minimal pounds to provide to a BtR landlord, often ends up with them paying a fee and admin. costs of several hundred thousand pounds. I would like that to stop and will aim for it to be raised as the Renters' Reform Bill passes.

There is a lot that is good in the Renters' Reform Bill. The important balance is that the revised grounds for possession compensate for the loss of s21. That counterweight, however, is only effective if landlords have efficient access to the courts. Without digitalisation and other court improvements the balance in the Bill is illusory. I worry that because court improvement is a practical issue, rather than legislative, it won't get the same scrutiny as the Bill, and would like to see the LUHC Select Committee, perhaps in

conjunction with the Justice Select Committee, scrutinising the Ministry of Justice's delivery, to ensure court reform and s21 reform arrive together.

The Bill also abolishes rent review clauses. The ability for example, to index rents for a period, rather than having annual reviews. I have never had a complaint about a members' use of indexing, which is used extensively in a lot of other service industries. I can understand inflation has gone through a period where it is high, but our analysis shows over a 3, 5, or 10-year period, index-linked rents would have been cheaper than an annual link to market rents. Instead, the Bill proposes that landlords will have to serve a s13 notice whenever they change rent. This part of the Bill seems to be a solution looking for a problem. Worse still, the sector's customers generally appreciate indexing, which in normal times provides family budgets with greater certainty than market variation.

What have I learnt about the sector's customers? BtR is known in the USA as 'Multi-Family', an Americanism I am glad we didn't adopt! There, the sector is more razmataz - infinity pools, and cinema rooms. UK BTR customers know what they want, which is responsive customer service, secure and safe homes, keeping pets and decorating their homes, somebody on the front desk to take in their parcels, and arrange the odd social event. Front-desk management can also be a godsend when life's problems arise, arranging a financial plan if a customer is made redundant for example. This was all to the fore during the pandemic. BtR's customer ratings showed how appreciated the sector was. At the end of the day, the sector's customers, like any customers, just want a decent home, at a fair price, with good customer service. It is as simple as that.

Sam Bruce, Centre for Social Justice

Sam Bruce is Head of Housing and Communities at the Centre for Social Justice



Writing about Ancient Rome, Mary Beard explains that “[t]he rented market in slums provided grim accommodation for the poor but lucrative profits for unscrupulous landlords.” Worse still, perverse conflicts of interest existed; Beard continues, “Cicero himself had large amounts of money invested in low-grade property and once joked, more out of superiority than embarrassment, that even the rats had packed up and left one of his crumbling rental blocks.”

In many ways, things are better in modern England. Neighbourhoods that could meaningfully be described as “slums” are thankfully rare. Politicians do not boast exploitative Rachmanism. A clear majority (80%) of tenants are satisfied with their accommodation.

Nevertheless, in other ways, there are similarities. There are local concentrations of poor-quality Private Rented Sector (PRS) accommodation in England. Earlier this year, I held roundtables with housing charities and tenants in several severely affected neighbourhoods in the North-East. At times, participants broke down into tears as they described how unprofessional and absentee landlords wreaked havoc with their family lives and their children’s upbringing.

Reform is needed to address these issues. At the same time, we must not unreasonably hamstring good landlords and the supply of much-needed rental accommodation.

This matters especially for the poorest households. The number of young, low-income private renters has risen dramatically over the last twenty years. At the Centre for Social Justice (CSJ), we have analysed national data which shows that whereas in 2002 less than a third of these households lived in the PRS, today more than 63 per cent do. Such households have far less choice and economic bargaining power than higher-income households.

Unprofessional practices include poor maintenance, not understanding legal obligations (e.g. health and safety rules), and evictions or rent rises without proper notice.

To pick just one example, a participant said “[...] we had a massive leak in the kitchen. The cupboard under the sink was just completely rotted. He [the landlord] wouldn’t do anything to fix anything.” The effects of poor plumbing led to serious damp, which restricted how much of the house could be used, : “[...] the damp was just unbearable. It got to the point where my boys were in the front room. Black mould was growing up the walls and round the windows.”

The key problem, many tenants explained, was their fear of being evicted if they were to take the landlord to court. They worried that a Section 21 eviction notice could simply be served upon them. As another participant put it, “[t]hat was always the thing in the back of my mind. Always that little thing in the back of my head: If I’m going to confront you for something I need doing, or I know you’re not going to be minded to do for me, are you going to evict me?”

This is why the abolition of Section 21 evictions is a welcome step to help rebalance the negotiation circumstances between tenants and unprofessional landlords. This is a welcome step in the Renters Reform Bill—one that the CSJ has recommended for a long time.

As we have also consistently stressed, though, it is vital that Section 8 is reformed simultaneously to ensure responsible landlords can seek possession of a property in cases including family moving in, sales, anti-social behaviour, damage, and rent arrears. We are pleased that the Renters Reform Bill makes provision for these, and feel it strikes a reasonable balance.

The key question is whether the courts will be able to handle housing cases in an efficient manner. For years, we and others including the Select Committee have recommended that the Government establish a specialist, well-resourced housing court as the clearest solution to this problem. The Government believes that efficiency measures within the existing court structure will be an adequate solution. This remains to be seen in practice, and the Government should keep a close eye on backlogs and revisit the specialist court question if they remain long.

In addition to unprofessionalism, absenteeism is also a problem. As another participant put it, “We had one time when the ceiling in the kitchen came in from the bathroom. It took two years to get the walls and everything re-done. [...] I really do think the safety of the house depends on the people you can contact. [The Landlord is] not contactable because his number’s either foreign or just not reachable.”

This is a serious problem because, if we do not know where the bad landlords are, how are local authorities going to undertake enforcement?

Freedom of Information requests submitted by the CSJ reveal that on the Government's national Database of Rogue Landlords and Property Agents, there are just 57 entries, submitted by a mere 29 of the 317 Local Authorities in England. We must improve on this dismal system. It is fair neither on tenants nor responsible landlords who are professional and compliant.

Investing in enforcement capacity and turbocharging it with a forthcoming digital Property Portal is crucial. It will enable tenants easily to verify that their property is compliant, local councils to enforce standards, and landlords to understand their obligations and demonstrate compliance. The Database of Rogue Landlords took years to deliver and has still not fully got off the ground. This is why it is vital that the Government commit to delivering the Property Portal rapidly following passage of the Renters Reform Bill, and should demonstrate how departmental resources and timelines will enable this.

Good quality, reasonably priced PRS accommodation is crucial to give people greater flexibility and choice over where and how they live, and to enable employees to live close to workplaces. The Renters Reform Bill promises a generational change that, broadly, strikes the right balance. However, Government policy isn't the only solution. It also requires excellence from the private sector. We address this, alongside policy questions, in our recent CSJ report *Raising the Roof: Building a Better Private Rented Sector*.

Conor O'Shea, Generation Rent

Conor O'Shea is Policy and Public Affairs Manager at
Generation Rent



Everyone deserves to live in a home that is high quality, secure and affordable. The private rented sector is not guaranteeing this for tenants.

Private renters suffer worse standards than homeowners or social tenants, with homes in the sector more likely to contain dangerous hazards such as damp and mould. Rents are also skyrocketing, currently at the highest proportion of earnings for a decade and rent inflation is rampant even before the full effect of further mortgage rate increases is known. The continued presence of arbitrary Section 21 evictions also undermines tenants' ability to seek improvements to their homes and means that they cannot put down roots in communities for fear of being removed from their homes in just eight weeks.

While private renters face a desperate situation, reform would also benefit landlords who operate responsibly by rooting out the criminal and unscrupulous end of the market while their own operations will remain largely unaffected.

For these reasons, the continued passage of the Renters (Reform) Bill is vitally important to tenants and responsible landlords alike. The measures are an important step forward which should be celebrated, but one which must be tightened up to ensure renters have the protections they need.

Generation Rent welcomes the abolition of Section 21 evictions as the most important step forward within the Bill. It will give renters the security of knowing they can live in their home long-term and report problems without fear of a retaliatory eviction. Knowing that your landlord needs a valid eviction ground will build trust in the relationship, which will ultimately benefit landlords too. While we understand the need for landlords to have specific grounds outlined to allow them to reclaim possession of their properties, such as in the event of a sale or the moving in of themselves or a family member, the currently outlined structure leaves these grounds open to abuse. If the law is not tightened, it risks creating Section 21 by the backdoor.

The Bill rightly prohibits landlords who use “no-fault” grounds from re-letting the property for a period, but for this to act as a sufficient deterrent against misuse, this no-let period must be longer than the proposed three months.

Tenants should also be eligible for compensation if they are evicted unlawfully under these grounds; while tenants are best placed to spot abuse, they but need an incentive to report it. Notice periods must also be extended to at least four months, allowing tenants sufficient time to find a new home when they are evicted through no fault of their own. The stated purpose of the new law is to rebalance power between landlords and tenants, but that cannot be achieved without these changes.

Section 21’s abolition and other elements of the Renters (Reform) Bill, such as the introduction of the Property Portal, Ombudsman and Decent Homes Standard, are welcome. However, the Bill fails to address the sky-high rents that are deepening the cost-of-living crisis for so many tenants. While there is no silver bullet to this issue, a robust and functioning rent tribunal would discourage landlords from impoverishing their tenants with unfair rent rises.

Turning to the broader situation facing renters, the movement of significant numbers of properties into the holiday lets sector from long-term rentals requires urgent action. The rate of loss is damaging for both tenants and good landlords, as Generation Rent research found that 29 homes a day are leaving the sector through this route. This is further eroding supply and exacerbating the problems of affordability. Strong action, with local authority oversight of the number of homes allowed to be let out to tourists, is required to make sure that the market works for everyone.

Tenants feel the challenges in the private rented sector much more acutely than landlords, which is why a rebalancing of power is long overdue. However, regulation is not a zero sum game, and if done effectively, then both tenants and responsible landlords stand to gain. To that end, a strengthened Renters (Reform) Bill presents a clear opportunity to improve the lives of England’s 11 million private renters.

Ben Beadle, National Residential Landlords Association

Ben Beadle is the Chief Executive of the National Residential Landlords Association



In recent years, debate around the future of the private rented sector has become increasingly polarised. The failures of successive governments of all parties to build enough homes and invest in social housing has resulted in a chronic shortage of homes – one that is now pitched against a backdrop of a cost-of-living crisis.

At the NRLA's heart is a desire to see the private rented sector thriving – landlords providing the good quality homes that are desperately needed, and tenants able to access them. In short, a sector that works for all.

For the private rented sector to benefit everyone in it, a balance must be struck. Many would argue that the reforms proposed in England represent a necessary shift to realign that balance, ensuring security of tenure for tenants and raising housing standards. Ambitions that the NRLA cannot criticise.

But will new legislation achieve this and solve the real, underlying problems, or are there other, more effective ways in which the sector could be bettered?

The principal factor affecting tenant experience in the private rented sector today is not a lack of regulation, but a shortage of available homes. Virtually every issue hampering tenant satisfaction could be overcome by boosting investment in the sector. Limited choice? Poor quality? Rising rents? The solution, largely, is to make more homes available.

So how can the Government achieve this? Investment in any sector is predicated on confidence. Improve confidence, and you will boost investment. But, notwithstanding the fact that change is invariably met with caution, the supply of private rented homes is unlikely to be boosted if the Renters (Reform) Bill is implemented as drafted.

The NRLA does not oppose the Government's commitment to abolish Section 21 repossessions. However, it is imperative that the courts are adequately resourced and equipped to deliver justice when needed before this route to possession is removed. Without certainty of possession, the private rented sector will prove too risky an investment, and tenants will be left with fewer and poorer quality options.

Few households are unaffected by the cost-of-living crisis, and like homeowners, landlords' costs are also rising. Since 2015, a series of tax changes have deliberately sought to dampen investment in the private rented sector – the rationale being that by limiting the size of the sector, more properties would be made available for homeownership. However, demand for private rented homes has only increased.

Research commissioned by the NRLA found that a high-quality and well-supplied private rented sector is good for society and the economy, enabling labour productivity and flexibility, serving as a springboard into homeownership, and providing much needed homes for those unable to access other types of housing. Government policy must, therefore, focus on supporting good landlords to sustain it.

Ensuring that the tax regime and proposed reforms do not hamper investment would go a long way to realising this, and alleviating some of the detrimental outcomes for tenants. Present tax policy has a detrimental impact on supply in the sector, and incentivises the provision of short-term over long-term rentals. Reform has the potential not only to make more homes available to rent, but also boost Treasury revenue via increased transactions and income and corporation tax receipts.

But alongside this, the Government must prioritise enforcement of regulations to stamp out illegal activity. We have been at the forefront of attacking bad practice, wanting to tackle the behaviour of those rogue and criminal landlords who undermine the reputation of the law-abiding majority who provide decent housing and enjoy a good relationship with their tenants.

Local authorities simply must be sufficiently resourced to carry out their enforcement duties, and creation of a Chief Environmental Health Officer to deliver consistent application of enforcement powers across local authorities would stamp out criminal practice, improve standards and require no changes to the statute book.

In its approach to tackling some of the problems facing the private rented sector, the Government must consider options beyond legislative levers, and look at what could make an immediate, tangible difference to those providing homes in the sector, and those who live in it.

Timothy Douglas, Propertymark

Timothy Douglas is Head of Policy and Campaigns at Propertymark



Enhancing the role of letting agents would support landlords and tenants and create a better, fairer system. In the private rented sector, the management of tenancies is carried out by letting agents, landlords and build to rent providers. According to the UK Government, there are an estimated 19,000 letting agents and 2.3 million landlords in England, with 46% of landlords using a letting agent. They all offer different letting agency services.

It's without question that letting agents are important to both tenants and landlords because some landlords do not want to manage properties themselves and some are not able to. But the lack of legislation to regulate agents has inevitably created a 'postcode lottery' of service levels for tenants and landlords alike.

The UK Government have indicated that they want to make moving between tenancies for renters quicker and easier, but this will require a whole system approach that does not look at one area in isolation. It's important that any legislation is based on evidence, and the views of those in the sector are listened to.

The Renters (Reform) Bill offers an opportunity to introduce a fairer framework to regulate letting and property agents. Regulation is important for three reasons. It would introduce minimum operating requirements for agents. As it stands, there are no minimum standards to work in the sector and there are no statutory rules to ensure letting agents are suitably qualified. Additionally, agents who are not members of a professional body do not have to meet minimum competency standards. Secondly, regulation of agents would improve service levels for tenants and landlords. Currently, anyone can operate as a letting agent, regardless of qualifications or experience. This can result in variable service levels for both tenants and landlords, including general bad practice, lack of financial protection and no effective way to resolve complaints.

And finally, letting agents have a significant role to play in helping to deliver compliance with the planned changes to tenancy reforms with a move to a more evidenced base approach to possession grounds and carrying out checks on properties to support the application of the Decent Homes Standard in the private rented sector.

But for it to be successful, two key elements must be introduced – a minimum qualification requirement and a statutory Letting Agent Code of Practice. The Code of Practice would apply to all letting agents and can be used by the government approved redress schemes to adjudicate against complaints and help drive up standards. The qualification requirement would need to be met to ensure acceptance onto a mandatory register of letting agents. A register can be developed as part of plans to introduce a Private Rented Sector Database through the Renters (Reform) Bill, where the qualification credentials of letting agents should be displayed. Successful registration indicates that an applicant is a fit and proper person to carry out letting agency work and it should be a criminal offence for any letting agent who is not on the register to operate.

In Scotland in 2014, legislation was passed making provisions for the regulation of letting agents. A recent report from the Chartered Institute of Housing highlights the important role that professional qualifications are playing in driving up standards across the private rented sector in Scotland - 87% of letting agents who had completed a qualification said it had a positive impact on their professional capabilities and 51% of landlords said that requirement for letting agent qualification had been a positive thing for the private rented sector overall.

In 2019, the Regulation of Property Agents (RoPA) working group produced a report setting out recommendations for a new regulatory framework. The UK Government should use this as a blueprint for the Renters (Reform) Bill.

Full mandatory government regulation of lettings and property agents is the most effective method to eliminate unprofessional, unqualified and unethical agents from the property sector. It will improve standards for tenants and landlords, provide a consistent level of protection and service as well as ensure the private rented sector works for all. We have to be bold and ambitious to achieve the change that's needed.

Polly Neate, Shelter

Polly Neate is the Chief Executive of Shelter



Once the tenure of students, young people saving for their first home, and those who required flexibility, England's private rented sector has ballooned far beyond its purpose and is now home to millions of households of all ages, sizes and backgrounds. The number of families privately renting has nearly tripled in the last 20 years, and many of them expect to rent forever.

At Shelter, we see exactly why reform is so urgently needed. Whether it's the parent who calls our helpline in tears, facing an eviction notice just as their child sits their GCSEs, or the tenant who's seriously ill because their landlord has failed to fix the mould and damp in their home. The stories we hear are just a snapshot of the experiences that renters across England struggle with every day, many of whom rent expensive, unfit or unsafe homes because they have no other option. The Renters (Reform) Bill is an unmissable opportunity to finally make the private rented sector fit for purpose for both tenants and responsible landlords alike.

With more people renting for longer and longer, the lack of security afforded to private renters is neither fair nor sustainable. Families cannot settle or save for the future if they have to scrape together a deposit and pay moving costs every year, knowing the next rent could be even higher. Many are too scared to complain about serious issues in their home because they fear they will receive an eviction notice in response. Scrapping section 21 'no fault' evictions is long overdue and will finally provide renters the security they need to put down roots in their homes.

No responsible landlord need fear the end of section 21. They will still be able to repossess their property if they have a valid reason. But we need to make sure that irresponsible landlords do not abuse these grounds to evict someone because they want to raise the rent, or if they don't want to fix a problem in the property. That's why it's critical that these new eviction grounds do not open loopholes to allow unfair 'no fault' evictions to continue through the backdoor. Under the current proposals, an irresponsible landlord could evict their tenant claiming they want to sell, but put the property back on the rental market after a "no relet period" of just three months.

This leaves room for exploitation unless there is a high evidence threshold and severe consequences for gaming the system. Disincentives could include lengthening the “no relet period” or compelling landlords to pay tenant moving fees – an expense which can push households facing eviction towards homelessness.

As well as ensuring the new grounds for eviction are fair for both tenants and landlords, the Renters (Reform) Bill must ensure renters have enough time to find a new home if their landlord does decide to move in or sell up. But currently, notice periods in these circumstances remain at just eight weeks. This is simply not enough time for many renters to find another suitable, affordable property in their area. Loss of a private tenancy is still a leading cause of homelessness and short notice periods contribute to this. During the pandemic, renters benefited from four-month notice periods and this must be reinstated.

For renters who face additional barriers when searching for a home to rent, the Bill must go further. The government has promised to outlaw blanket bans against renting to families with children and those on benefits. This must be properly enforced to make sure no one is denied a home simply because of where their income comes from or because they have children.

The Renters (Reform) Bill also has the potential to drive up standards in rented homes across the board. If well implemented, the property portal will professionalise the sector and help landlords keep up to date with the latest regulations. It should also help local authorities to crack down on criminal behaviour, enable tenants to hold their landlords to account, and give confidence to prospective tenants before they sign a tenancy agreement.

These reforms have the potential to drag private renting into the 21st century and finally give renters what we all need from our homes: the security to put down roots and thrive.

Conclusion

Whilst the Government's plans to reform the rental market are generally welcomed, if cautiously by some, all sides of the sector believe there is some way to go to ensure it addresses the needs of the groups they represent.

On the tenants' side, we have heard that there remains concern about the proposed system of evictions being abused by irresponsible and rogue landlords and fears that landlords will still be able to discriminate against renters who rely on benefits.

Conversely, there is concern amongst landlords that proposals may disincentivise landlords from investing in the sector, especially at a time of high mortgage costs and uncertainty around regulation and energy efficiency requirements.

There is also plenty of room for consensus, however. Both sides are clear in their concerns about the current levels of supply of private rented homes, and both tenants and landlords want the same thing – a healthy private rented sector that is attractive to those that live in the sector and those that provide the homes for them. Tenant groups agree that landlords should feel confident about investing in the sector, whilst landlords accept that tenants have the right to feel safe and secure in their home.

The Government must ensure that it is working to bring tenant, landlord and letting agent groups together as it shapes its final rental reform package.

At the moment, the private rented sector is not delivering the number of homes needed due to a myriad of reasons. The view that has been repeated to the APPG ad infinitum in its work over the last few months is that we need more housing of all tenures. That includes more private rented homes to help meet demand. Given this, the Government must get its rental reform right if it is to avoid exacerbating the housing crisis.

Andrew Lewer MBE MP



APPG for the Private Rented Sector

