

**Joint Response to the Renters' Reform White Paper  
from the National Housing and Domestic Abuse Policy and Practice Group**

To: Eddie Hughes, MP, Minister for Rough Sleeping & Housing

Department of Levelling Up, Housing & Communities

Monday 15th August 2022

Dear Minister,

We are the [National Housing and Domestic Abuse Policy and Practice Group](#), led by the [Domestic Abuse Housing Alliance](#) (DAHA). Our group brings together experts from the housing, domestic abuse and violence against women and girls' (VAWG) sectors to share best practice and influence policy and practice in England and the devolved authorities. We are writing to you following the publication of the White Paper; A Fairer Private Rented Sector.

Our National Group welcomes the publication of the White Paper and commitment to bring forward the Renters' Reform Bill. However, we advise that more must be done by Government to increase protections for domestic abuse victims/survivors living in or accessing the Private Rented Sector (PRS), so that they can achieve safety and housing security.

Domestic abuse is by its very nature a housing issue, with perpetrators creating a context of fear and curtailed freedom usually within the home, a place where women and children should feel safe. We want to highlight the experiences of victims/survivors of domestic abuse living in the PRS and make recommendations for how the Government's suggested reforms can be strengthened.

With this in mind, we have made a number of recommendations below for how the upcoming Renters' Reform Bill could ensure the needs of victims/survivors of domestic abuse are included within these vital changes. These are set out in summary form and in more detail in the accompanying Annex A. We have also included in Annex B background information to evidence why these changes are vital for domestic abuse survivors living in the PRS.

**Summary of our key recommendations:**

- The end of Section 21 evictions is most welcome. However, strengthening eviction grounds for ASB and rent arrears will present a risk for victims/survivors as these often occur alongside or as part of the abuse they experience. We recommend that Government provides domestic abuse guidance to help landlords, PRS stakeholders and Courts to identify situations of domestic abuse (such as through ASB or arrears) and sign-post victims/survivors to national and local support services.
- We recommend that Government put in place additional safeguarding mechanisms to prevent evictions of victims/survivors who have rent arrears or ASB complaints against them. This could be through a pre-eviction protocol, or through amending standard license conditions to ensure that landlords and/or managing agents have procedures in place to identify and respond to domestic abuse.

- We welcome the end of fixed-term Assured Shorthold Tenancies (ASTs). However, we consider that the extension of the notice period that tenants must give from one month (for current periodic tenancies) to two months should be reviewed in cases where the tenant is experiencing domestic abuse and needs to move out of the property quickly for their safety.
- For joint tenancies, we recommend that Government includes provisions to suspend alleged perpetrators' ability to serve a Notice to Quit through the Domestic Abuse Protection Orders provided for by the Domestic Abuse Act 2021.
- We ask Government to work with deposit protection schemes to address the issue of domestic and economic abuse between joint tenants and to implement policies and procedures for safeguarding vulnerable tenants, particularly victims/survivors, potentially losing their deposits.
- We advise that Government includes in The Homelessness Code of Guidance and other accompanying guidance, recommendations for councils to provide PRS offers at the local housing allowance rate and within Benefit Cap rate when offering this kind of pathway to victims/survivors of domestic abuse, and not to discharge their main housing duty to the PRS for victims/survivors who previously had a social tenancy. If this cannot be avoided, victims/survivors should be allowed to remain on nomination lists for social housing with priority banding.
- In the context of the cost-of-living crisis, we recommend the Government removes the Benefit Cap for victims/survivors of domestic abuse and single parents, who are disproportionately impacted and who have often experienced economic abuse.
- We ask Government to review the freeze on Local Housing Allowance rates so that they are linked again to the actual market rent levels.
- We are looking forward to hearing more about how the ban on discriminating against tenants on benefits will be enforced, in particular for landlords and mortgage insurance providers.
- We ask the Home Office to end the Right to Rent policy due to the resulting discrimination against migrant, Black and minoritised tenants.

Access to safe, affordable and long-term housing is necessary to enable victims/survivors and their children to become safe from abuse, rebuild their lives and recover from the trauma they have experienced. The Renters' Reform Bill is a unique opportunity to introduce reforms to improve private renting for all tenants, including for victims/survivors of domestic abuse.

We would welcome the opportunity to explore these issues with the department. We invite your officials to meet with members of our National Group to discuss our recommendations.

We look forward to hearing from you. Thank you for your consideration.

Best wishes,

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Members of the National Housing and Domestic Abuse Policy and Practice Group include:

- Against Violence & Abuse (AVA)
- Agenda
- Birmingham & Solihull Women's Aid
- Chartered Institute of Housing (CIH)
- Crisis
- Domestic Abuse Commissioner for England
- Domestic Abuse Housing Alliance (DAHA)
- The DRIVE Partnership
- Galop
- Generation Rent
- Gentoo Housing Association
- Homeless Link
- Imkaan
- National Housing Federation (NHF)
- National Federation of ALMO's
- Peabody Housing Association
- Refuge
- Resolve ASB
- Respect
- SafeLives
- Shelter
- Solace Women's Aid
- Standing Together Against Domestic Abuse
- St Mungo's
- Stonewall Housing
- Surviving Economic Abuse (SEA)
- Women's Aid Federation of England (Women's Aid)

## **Annex A – Detail on our recommendations**

### **I. Eviction grounds for Anti-Social Behaviour (ASB) and rent arrears**

We welcome the end of Section 21 evictions proposed through the White Paper, which we know has a detrimental impact on the housing security of victims/survivors who live in the PRS. However, we are concerned that the strengthening of eviction grounds for Anti-Social Behaviour and rent arrears will present a risk for victims/survivors. We know ASB and rent arrears often occur alongside domestic abuse, and in fact, are used by perpetrators as explicit forms of coercive control and economic abuse. Research by SafeLives found that tenants experiencing domestic abuse are more likely to have ASB reports made against them, and rent arrears are often linked with experiencing economic abuse from their partner<sup>1</sup>. The Domestic Abuse Act 2021 Statutory Guidance recognises the risk of housing providers misdiagnosing the effects of domestic abuse as Anti-Social Behaviour and recommends for officers to have professional curiosity when faced with all cases, even if domestic abuse is not immediately suspected<sup>2</sup>.

Therefore, by increasing landlords' dependency on these grounds for eviction, we foresee that victims/survivors of domestic abuse will become at an increased risk of homelessness. In turn, this will place added pressure on already stretched local authorities to provide emergency accommodation and longer-term housing solutions.

We advise that unnecessary evictions of victims/survivors based on these grounds can be reduced if Government can enable private landlords to identify and support tenants experiencing domestic

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<sup>1</sup> SafeLives (2018), *Safe at Home*:

<https://safelives.org.uk/sites/default/files/resources/Safe%20at%20Home%20Report.pdf>

<sup>2</sup> Domestic Abuse Act 2021 Statutory Guidance (2022):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089015/Domestic\\_Abuse\\_Act\\_2021\\_Statutory\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf)

abuse where there is ASB, rent arrears or damage to the property, in line with the Domestic Abuse Act 2021 Statutory Guidance.

We welcome the proposed online portal for landlords to register their properties and access information and advice. **We recommend that Government use this space to publish domestic abuse guidance to help landlords and PRS stakeholders to identify situations of domestic abuse (such as through ASB or arrears) and sign-post victims/survivors to national and local support services.** We advise that Government consult with domestic abuse specialist agencies including our National Group to ensure this guidance is informed by experts in the domestic abuse and housing sectors.

However, we know this will not prevent all evictions of victims/survivors on these grounds. Therefore, **we further recommend that Government put in place additional safeguarding mechanisms to prevent evictions of victims/survivors who have rent arrears or ASB complaints against them. This could be through a pre-eviction protocol, or through amending standard license conditions to ensure managing agents receive training on identifying and responding to domestic abuse.**

Similar to what is currently in place for social landlords, the pre-eviction notice protocol could include the requirement for landlords to start engaging with their tenants at the earliest sign of rent arrears, and discuss the cause of the arrears, the tenant's entitlement to benefits, a potential repayment plan, and signpost to Citizen Advice Bureau or another debt advice service. **We advise that landlords are provided with links to domestic abuse guidance when serving an eviction notice for ASB or rent arrears.**

If going through the standard license conditions (as set out in the Housing Act 2004, part 2 for HMOs and part 3 for non-HMO private rented homes), **our proposal is that a licence holder (and/or manager) must demonstrate that they have procedures in place to identify where ASB or rent arrears have arisen due to domestic abuse.** This will be less of a burden on private landlords because, in practice, most landlords with such licences have a letting agent who could provide training for staff to identify and respond to domestic abuse.

The White Paper suggests that evictions for serious ASB will have a shorter notice period and will be prioritised in Courts. **Therefore, it is crucial to provide domestic abuse guidance to Courts on the links between domestic abuse, ASB, and arrears, so that survivors are not penalised for their perpetrators' abuse or made homeless as a result.**

**We would also recommend training for judges on domestic abuse, provided by specialist domestic abuse services, to ensure those taking domestic abuse cases have a well-rounded understanding of the impact this has on victims/survivors.** We suggest that this could be supported with a process by which victims/survivors who have accrued rent arrears or damages are given opportunities for arrears repayment plans, or an extended delay as is suggested for arrears caused by a delay in benefits.

We consider that holding victims/survivors liable for arrears or damage caused as a result of economic abuse from the perpetrator is problematic, and **we would recommend that Government works with the main tenancy deposit scheme administrators, the Domestic Abuse Commissioner, and the various private sector ombudsman/redress schemes to explore any commonality of experience and opportunity for cross-body educational work to address this,** including learning from the work of Surviving Economic Abuse with financial institutions. Courts should recognise economic abuse and rely on evidence provided by domestic abuse charities.

The process would also require thorough safety considerations to ensure victims/survivors are not put at further risk of harm. For instance, landlords would need to agree to Sanctuary Schemes measures being installed on their properties where appropriate and needed.

## **II. Tenancy reform**

We welcome the end of fixed-term Assured Shorthold Tenancies (ASTs) as it may prevent victims/survivors being locked into a fixed-term contract when they need to flee due to domestic abuse and economically and legally separate themselves from their abuser. This could cause financial issues if a woman has two months of rent liability and is not able to access benefits on two properties to help cover the cost.

**However, the extension of the notice period that tenants must give from one month (for current periodic tenancies) to two months should be reviewed in cases where the tenant is experiencing domestic abuse and needs to move out of the property quickly for their safety.**

Currently for periodic joint tenancies, any tenant can give notice without the consent of other tenants. Although this enables a survivor to leave without the perpetrator's consent or knowledge, there is also the risk of perpetrators ending the tenancy without the survivor's knowledge or consent, leaving the survivor homeless. Currently, to prevent a perpetrator from ending a tenancy while the victim/survivor remains in the family home, the victim/survivor must seek a Non-Molestation Order and an Occupation Order through the family court. This is only a short-term solution that suspends a perpetrator's rights to the property and acts as a deterrent for perpetrators to end the tenancy. If a perpetrator decides to breach their Order's conditions by serving a notice to quit the tenancy, the landlord cannot reject it and the tenancy must come to an end.

**Therefore, we recommend the Government includes provisions to suspend alleged perpetrators' ability to serve a Notice to Quit through Domestic Abuse Protection Orders provided for by the Domestic Abuse Act 2021.**

## **III. Deposit reform**

The current deposit protection schemes exist to independently manage deposits and resolve deposit disputes between landlords and tenants, however outside of the Courts, there is currently no safeguards to protect joint tenants who may share a deposit.

Frontline specialist domestic abuse services have reported issues for victims/survivors who are joint tenants, where the deposit paid by both the perpetrator and the victim/survivor, or solely the victim/survivor, will go towards paying off the arrears or the damage caused by the perpetrator as part of the abuse.

We have also received information from victims/survivors and from front-line specialist domestic abuse services, of perpetrators gaining full access to the deposit, often through naming themselves as the lead tenant, and preventing the victim/survivor from accessing their share of the deposit. This can cause a significant barrier for victims/survivors accessing safe accommodation away from their abuser and is a key indicator of economic abuse.

**Therefore, we recommend that Government work with deposit protection schemes to implement policies and procedures for safeguarding vulnerable tenants, particularly victims/survivors,**

**potentially losing their deposits from joint tenancies.** For instance, all joint tenants should be contacted to return the deposit at the end of the tenancy, and Government need to explore how to hold the perpetrator liable for damage or rent arrears caused through domestic abuse (see our section above regarding eviction grounds).

#### **IV. A fair private rented sector (affordability)**

Research by the Women's Budget Group found that private rental is unaffordable on women's median earnings in every region in England, whereas men can afford every region except London<sup>3</sup>. The lack of affordable options in the PRS alongside the ongoing cost-of-living crisis, which disproportionately impacts women as lone parents, will continue to prevent victims/survivors from moving away or separating from their abuser, keeping them at risk of further abuse or trapped in a cycle of homelessness and poverty.

We would encourage DLUHC to consider the impact of private landlords setting inaccessible high rents, especially considering the cost of living crisis. Women, and in particular lone mothers, will be disproportionately impacted by these high rent levels in the PRS, especially in areas where there are shortages of social housing and therefore more demand for the PRS. Moreover, given that in most cases victims are subjected to economic abuse, the increasing cost of living further undermines women's capacity to meet their basic housing needs. We would welcome discussions with our National Group members to find solutions on this issue.

With the increasing number of victims/survivors being offered a PRS tenancy after a homelessness application due to fleeing domestic abuse, **we advise that Government include in The Homelessness Code of Guidance and other accompanying guidance recommendations for councils to consider the impact of unaffordable rents on women and lone parents, and the need for PRS offers to be at the Local Housing Allowance rate when offering this kind of pathway to victims/survivors of domestic abuse. Local authority guidance should also discourage local authorities to discharge their main housing duty to the PRS for victims/survivors who previously had a social tenancy. If the local authority does not have enough social housing stock available, victims/survivors should be allowed to remain on nominations lists for social housing with priority banding** and should be able to reclaim their secure tenancy status, where they have been forced to leave their social tenancy due to fleeing domestic abuse.

**Any PRS offer to a victim/survivor also needs to be within Benefit Cap rate.** Frontline domestic abuse services have reported that local authorities often make offers at local housing allowance rate. However, when the survivor applies for housing related benefits, they are then capped. A response to this is that local authorities often make private rented sector offers in locations far away from where the survivor applied for assistance. This pushes survivors to self-source more affordable private rented sector accommodation in their area of choice which is often substandard, or survivors end up isolated/in an unsuitable area.

In the context of the cost-of-living crisis, we recommend the Government removes the Benefit Cap for victims/survivors of domestic abuse and single parents, who are disproportionately impacted and who have often experienced economic abuse.

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<sup>3</sup> Women's Budget Group (2021), *Autumn Budget 2021: Housing*. <https://wbg.org.uk/analysis/autumn-budget-2021-housing/>

We also ask Government to review the freeze on Local Housing Allowance rates so that they are linked again to the actual market rent levels.

## **V. Blanket bans and discrimination**

We welcome the Government's commitment through the White Paper to put in place measures to address discrimination against tenants who pay rent through benefits, or who have pets. Keeping a pet is particularly important for victims/survivors and their children when they are forced to relocate and uproot their lives. Discrimination against 'DSS' or not accepting pets is a widespread practice that victims/survivors face constantly, which only adds to the barriers faced by victims/survivors in accessing safety and housing security. We are aware of Councils reporting that private landlords they work with are sometimes not able to accept tenants who pay rent through benefits due to their mortgage insurance policy preventing them from doing so. We look forward to hearing more about **enforcement measures proposed for landlords and mortgage insurance providers who are still discriminating on these grounds in practice.**

**However, we also recommend that Government takes steps to ensure safeguarding against landlord discrimination against migrant, Black and minoritised people due to the Right to Rent policy.** The Joint Council for the Welfare of Immigrants (JCWI) found that it takes BME people and migrants up to twice as long to find a home to rent as a White British person, due to this policy<sup>4</sup>.

These forms of discrimination disproportionately impact Black and minoritised victims/survivors, particularly those with No Recourse to Public Funds and insecure immigration status, who are less likely to access social housing and support, and may face added discrimination from PRS landlords, who are also required to verify their Right to Rent. **As such, we agree with the JCWI campaign<sup>5</sup>, supported by a range of organisations, to end the Right to Rent policy.**

## **Annex B – Why is it important?**

Domestic abuse is a widespread crime that has devastating consequences for victims and their families, as well as local communities. The Crime Survey of England and Wales estimated that 2.3 million adults aged 16 to 74 years experienced domestic abuse in England and Wales in the year ending March 2020<sup>6</sup>, with women and children making up a majority of victims/survivors. However, the hidden nature of domestic abuse means that these numbers are likely to be an underestimate. For victims and survivors of domestic abuse, home is often the most dangerous place. Domestic abuse continues to be the leading cause of homelessness amongst women, and according to a recent survey by Women's Aid Federation for England, 70% of women shared that housing concerns was the main barrier to leaving their abuser<sup>7</sup>.

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<sup>4</sup> The Joint Council for the Welfare of Immigrants website: <https://www.jcwi.org.uk/right-to-rent>

<sup>5</sup> The Joint Council for the Welfare of Immigrants website: <https://www.jcwi.org.uk/right-to-rent>

<sup>6</sup> Office for National Statistics (2021), *Domestic abuse prevalence and trends, England and Wales*. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/domesticabuseprevalenceandtrendsenglandandwales/yearendingmarch2021>

<sup>7</sup> Women's Aid (2020), *The Domestic Abuse Report 2020: The Hidden Housing Crisis*. Bristol: Women's Aid. <https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis-Summary.pdf>

Domestic abuse can affect people living in any type of housing, including survivors who are privately renting their home while experiencing abuse, as well as the increasing number of victim/survivors who are placed in the PRS as a result of becoming homeless due to domestic abuse and the increasing number of households living in the private rented sector. We know that in areas where there is not enough social housing supply to match demand (particularly in London and the South of England), councils are increasingly using their right to discharge their main housing duty into the PRS for people presenting as homelessness. The H-CLIC data shows that for the period October-December 2021 in London, 26% of households' main duty ended due to an offer of PRS accommodation, this is a 10% increase on the year before. This means that an increasing number of vulnerable people including victims/survivors fleeing domestic abuse are now housed in the PRS, often losing their secure social tenancies as a result. Moreover, given that in most cases victims are subjected to economic abuse, the increasing cost of living further undermines women's capacity to meet their basic housing needs.

Even more, the number of people renting privately has more than doubled in the last 20 years, and the number of families with children renting privately tripled in the last 15 years. Based on the Crime Survey for England and Wales, nearly 30% of reported domestic abuse occurred in the private rented sector.

Despite the increasing number of victims and survivors living in or accessing the PRS after fleeing domestic abuse, we know that the PRS is often not safe, secure or responsive to their needs, and PRS professionals are not well equipped to identify and support survivors as part of the Government's commitment to make domestic abuse 'everyone's business'. Based on the Crime Survey for England and Wales, nearly 30% of reported domestic abuse occurred in the private rented sector. The Domestic Abuse Act 2021 Statutory Guidance recognises that "It is vital that housing providers are able to recognise and respond to the signs of domestic abuse", recommending that housing providers should respond effectively to domestic abuse and have guidance and training to facilitate this<sup>8</sup>.

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<sup>8</sup> Domestic Abuse Act 2021 Statutory Guidance (2022):  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1089015/Domestic\\_Abuse\\_Act\\_2021\\_Statutory\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1089015/Domestic_Abuse_Act_2021_Statutory_Guidance.pdf)