

Housing and Planning Scrutiny Select Committee

17 March 2026

Part 1 - Public

Matters for Information



Cabinet Member	Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing and Regulatory Services
Report Author	Jason O'Brien, Housing Improvement Manager

Renters Rights Act 2025

1 Summary and Purpose of Report

1.1 This report provides an overview of the key changes introduced by the Renters' Rights Act 2025 and sets out the implications for the Council's responsibilities in regulating and supporting the private rented sector (PRS). It outlines the forthcoming implementation timetable, highlights new duties for landlords and local authorities, and seeks to ensure the Council is prepared for the phased introduction of the reforms.

2 Corporate Strategy Priority Area

2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.

2.2 The measures set out within this report contribute directly to improving housing options for local people by ensuring that private rented homes are safer, more secure, and better managed under the Renters' Rights Act. Strengthened enforcement powers and clearer standards will help raise the quality of accommodation available across the district, supporting residents to access and maintain suitable homes that meet their needs.

2.3 By promoting compliance and tackling hazardous properties, the proposals also help reduce pressure on wider neighbourhoods and outdoor areas of importance. Improved housing conditions can lessen incidents of waste, vandalism, or environmental degradation linked to unmanaged or insecure accommodation. Together, these actions support the Council's commitment to enhancing local housing choices while safeguarding the character and quality of our shared outdoor spaces.

3 Introduction and Background

- 3.1 The Renters' Rights Act 2025 represents the most significant reform of the PRS in several decades. Receiving Royal Assent on 27 October 2025, the Act delivers the Government's commitment to transform the experience of private renting by strengthening tenant security, modernising tenancy frameworks, and enhancing local authority powers.
- 3.2 The Act introduces a phased programme of reforms, supported by a national implementation roadmap published by the Ministry of Housing, Communities and Local Government (MHCLG). These reforms will gradually replace existing tenancy structures, improve standards, and expand regulatory responsibilities across the sector.
- 3.3 Key measures within the Act include:
- Abolition of Assured Shorthold Tenancies (ASTs) and Section 21 "no-fault" evictions, with all new and existing tenancies converting to assured periodic tenancies once the regime takes effect.
 - Landlords must give specific reasons to reclaim a property, achieved by reforming possession processes under Section 8 of the Housing Act 1988. This includes new and expanded mandatory and discretionary grounds.
 - Restrictions on rent increases, limiting landlords to one rent increase per year following the statutory Section 13 procedure.
 - Prohibitions on rental bidding and advance rent, preventing landlords or agents from encouraging or accepting offers above the advertised rent and capping advance rent at one month.
 - Enhanced tenant protections, including bans on discrimination against renters with children or those receiving benefits, and a statutory right for tenants to request consent for pets, with refusals requiring valid justification.
 - Strengthened local authority enforcement powers, including expanded investigatory powers which took effect in December 2025.
 - Creation of a national PRS Database and a PRS Landlord Ombudsman, which will become mandatory during Phase 2.
 - Long-term application of the Decent Homes Standard to the PRS, planned for the mid-2030s.

3.4 The reforms are being introduced in three main stages:

3.4.1 Preliminary Stage – 27 December 2025:

- Local authorities given new investigatory powers, including extended rights of entry and document requests. Under these new powers, the Council can formally demand documents, compel information to be required, enter and inspect business premises, apply for warrants, seize records, and, in certain situations, enter rented homes to investigate breaches of housing law. These powers are designed to support enforcement against illegal eviction, poor housing conditions, non-compliance with regulatory duties, and other statutory offences in the private rented sector.

3.4.2 Phase 1 – 1 May 2026:

- Abolition of Section 21 and the introduction of assured periodic tenancies as the default tenancy type.
- Rent increase restrictions, discrimination bans, rental bidding prohibitions, and the new statutory framework for tenant pet requests all take effect.
- Landlords must provide tenants with the Government's Information Sheet and written tenancy terms by 31 May 2026.

3.4.3 Phase 2 – Late 2026 to 2028:

- Gradual rollout of the PRS Database and Ombudsman service, with full Ombudsman membership expected by 2028.

3.4.4 Phase 3 – Mid 2030s:

- Introduction of the Decent Homes Standard across the PRS.

4 Policy changes

4.1 A key area identified for development is a dedicated landlord-legislation enforcement policy. The Act places significant duties on Councils that fall outside the scope of the existing Regulators' Code, which means generic enforcement policies are no longer suitable. A purpose-built policy will ensure councils can apply the new enforcement powers lawfully, consistently, and with the necessary emphasis on tenant protection.

4.2 The Association of Chief Environmental Health Officers has offered to support Councils by developing and branding a suite of new policies for the Renters' Rights Act 2025. This work recognises the scale of change facing local authorities as enforcement responsibilities expand, and aims to provide councils with clear, practical policy frameworks that can be adopted with minimal local adaptation.

- 4.3 While recognising that each Council remains sovereign in its decision-making, the Association notes that significant local variation in how policies are applied may negatively impact tenants and risk perpetuating a postcode lottery in enforcement outcomes. Councils are therefore encouraged to prioritise consistency and alignment with statutory guidance when adopting local policies, ensuring that tenant needs remain central to decision-making.
- 4.4 The Association also recommends the adoption of a standardised civil penalty policy aligned with national guidance. This policy is expected to mirror the current “Justice for Tenants” model widely used across the sector, providing a clear and transparent framework for issuing financial penalties under the new regime. A consistent approach will help ensure fairness for landlords while enabling effective action against non-compliance.
- 4.5 A further priority is the creation of a debt-recovery policy suitable for use by all housing authorities. Only a small number of councils currently operate policies capable of recovering civil penalty income effectively, with many authorities losing around half of outstanding debt due to delays within court, tribunal, and recovery processes. A national “lift-and-shift” model would allow councils to adopt a robust and reliable approach without each authority needing to develop its own system from scratch.

5 Reporting requirements

- 5.1 Over the past year, several Councils have taken part in the government’s voluntary data collection on PRS enforcement, introduced in 2025. This initial phase has enabled authorities to understand how well their existing systems capture enforcement work and where improvements are needed. The government designed this voluntary stage specifically to prepare councils for the forthcoming statutory Duty to Report under the Renters’ Rights Act.
- 5.2 A clear lesson from the voluntary return is that Councils record enforcement activity in different ways, often using different definitions or separate systems. This makes it difficult to produce a consistent national dataset and highlights the need for councils to standardise how PRS work is logged.
- 5.3 The voluntary data collection has also shown that some information, particularly around workforce capacity, is not routinely held or is dispersed across teams. Understanding staffing levels and enforcement resources will form an important part of the statutory return.
- 5.4 The Government has now confirmed that the voluntary collection will be replaced by a mandatory reporting system once the Renters’ Rights Act comes into force in 2026. At that point, Councils will be legally required to submit regular, standardised data on PRS enforcement, including team size, enforcement activity, outcomes, and tenant support. This expanded dataset is intended to improve

transparency and strengthen national oversight of how councils deliver the new duties set out in the Act.

- 5.5 These reporting requirements sit alongside wider reforms. From 2026, Councils will have a strengthened duty to investigate suspected breaches of housing legislation, shifting PRS enforcement from a discretionary service to a clear statutory obligation. Later in 2026, a new national Property Database will also be introduced, which is expected to become a key intelligence source and may link with the mandatory reporting system in due course.
- 5.6 Members should note that moving to mandatory reporting will require operational changes. Councils will need to ensure that case management systems can capture the required data, that internal processes are consistent, and that staff are trained to record enforcement activity accurately.

6 Next steps

- 6.1 The implementation of the Renters' Rights Act will have a noticeable impact on the way the Housing Service operates day to day.
- 6.2 It is anticipated that there will be a shift in landlord behaviour in the lead up to implementation of phase 1, with some landlords exiting the PRS ahead of the reforms. This could lead to a short-term increase in approaches from households served with notices, particularly households with complex needs and families.
- 6.3 At the same time, landlords who remain may become more risk averse. This could make it harder to secure private rented properties for our applicants and may put additional pressure on temporary accommodation. Stays in temporary accommodation may even lengthen if fewer privately rented properties are available to accept households with more complex needs, albeit our placement rate into the private sector is low at present.
- 6.4 It is likely that homelessness prevention work will become more extended, as landlords will now be required to seek possession through the courts under prescribed grounds. This process will take longer and will also provide the Council with clearer information on the reasons for the landlord's claim for possession. This greater transparency will create opportunities for the Council to engage with both landlord and tenant to explore options for sustaining the tenancy and preventing homelessness.
- 6.5 Work is underway to review the existing policies, update procedures, strengthen the private rented offer to both potential landlord and tenants, and ensure that key messages are shared consistently across the Council.
- 6.6 Officers are undertaking relevant training and make use of any available guidance and learning opportunities. This preparation will help ensure the Council is confident and consistent when the various stages of the legislation go live.

- 6.7 It is understood that IDOX is involved in discussions with MHCLG regarding the Duty to Report and its impact on its case management system and relevant officers will support this development to ensure that the Council can utilise its current software system to manage reporting.
- 6.8 Officers will now progress actions related to the above to deliver against the 2026/27 Annual Service Delivery Plan project to implement the requirements of the Renters' Rights Act. Where these require Member decisions these will be reported via the relevant committees.

7 Other Options

- 7.1 Meeting the requirements of the Renters' Rights Act is a statutory requirement and whilst there will be options to consider regarding some elements of implementation, there is no option not to deliver against the legislative mandate.

8 Financial and Value for Money Considerations

- 8.1 The Council received £25,281.76 for new burdens funding in 2025/26. To date there has been no spend against this however it is anticipated that it could cover training, promotion etc. It has recently been confirmed that the new burdens funding for 2026/27 will be £57,197 and for 2027/28 £26,931. This could be utilised for staffing if it is established that this is required.

9 Risk Assessment

- 9.1 The implementation of the Renters' Rights Act presents several operational and strategic risks for the Council.
- 9.2 The Council anticipates an increase in demand for housing related services as well as on those services supporting Housing. For example, it's likely there will be an increased demand for legal support due to the new enforcement duties.
- 9.3 Pressures on temporary accommodation: The transition to assured periodic tenancies and the removal of Section 21 may lead to short-term instability in the PRS as some landlords exit the market ahead of the reforms. This could increase approaches from households facing eviction, placing additional demand on temporary accommodation. Reduced availability of suitable PRS properties may also lengthen temporary accommodation stays, particularly for households with complex needs.
- 9.4 Challenges Accessing the Private Rented Sector: Landlords who remain in the sector may become more risk-averse, making it harder to secure PRS placements for prevention and relief cases. This may limit housing options for applicants, increase caseload complexity, and reduce the Council's ability to move households on from temporary accommodation in a timely manner.

- 9.5 **Reporting Requirements and Data Management:** The shift to mandatory reporting from 2026 requires consistent and accurate recording of enforcement activity. There is a risk that existing systems and processes may not yet be fully capable of capturing the required dataset, which could affect the Council's ability to meet statutory reporting deadlines. Additional staff training and process standardisation will be necessary to mitigate this risk.
- 9.6 **Dependence on IDOX System Development:** The Council's ability to comply with the new Duty to Report and expanded investigatory responsibilities is dependent on the timely development and deployment of the necessary case management functionality by IDOX. Any delays or limitations in system changes could impact data quality, operational efficiency, and statutory compliance.
- 9.7 **Timing for Introducing New Enforcement Policies:** The Council aims to adopt new enforcement, civil penalty, and debt-recovery policies that reflect the strengthened statutory framework. There is a risk that policy development and Member approval may not align with the implementation timetable. Without these policies in place, the Council would be limited in its ability to meet its new duties or exercise its new powers consistently and lawfully.

10 Legal Implications

- 10.1 The Renters' Rights Act introduces a significantly stronger statutory framework around private rented sector enforcement, and councils will be legally required to comply with new duties once the Act comes into force in 2026. Most notably, the current discretionary approach to investigating housing related complaints will be replaced by a clear legal duty to investigate suspected breaches. Failure to meet this duty could expose the authority to challenge, including the risk of judicial review where the Council is found not to have acted reasonably, promptly, or in line with the statutory expectations set out in the Act.
- 10.2 The Act establishes a mandatory Duty to Report, requiring councils to submit standardised and accurate PRS enforcement data prescribed times. The Council must be able to demonstrate reliable systems, consistent data capture, and robust governance arrangements. Inaccurate or incomplete returns could result in compliance notices from government, reputational risk, and potential intervention if failures are persistent.
- 10.3 The introduction of the national Property Database later in 2026 also brings legal expectations around data integrity, information sharing, and responsible handling of personal and property information, all of which will require clear internal processes and staff training.

11 Consultation and Communications

- 11.1 The Housing Service is working with colleagues in Media & Communications to raise awareness of the forthcoming changes. This includes:

- Updates to the website, encouraging residents to approach the Council as early as possible when issues arise with their tenancy. This gives the Council more time to support with preventing homelessness.
- A communication plan which includes a campaign to raise awareness with letting agents in the borough.

11.2 The opportunity to provide a landlord forum with a focus on the Renters Rights Act is being explored with our West Kent local authority partners and the National Residential Landlords Association.

12 Implementation

12.1 A cross-directorate group involving Housing, Legal Team, Customer Services, Transformation and Media & Communications are meeting to coordinate the Council's preparation.

13 Cross Cutting Issues

13.1 Climate Change and Biodiversity

13.1.1 None

13.2 Equalities and Diversity

13.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background Papers	None
Annexes	None