

PARLIAMENTARY DEBATES

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OFFICIAL REPORT

Fourth Delegated Legislation Committee

PUBLIC HEALTH (CORONAVIRUS) (PROTECTION
FROM EVICTION) (ENGLAND) (NO. 2)
(AMENDMENT) REGULATIONS 2021

Wednesday 21 April 2021

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The Committee consisted of the following Members:

Chair: CLIVE EFFORD

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|---|---|
| Burton, Richard (<i>Leeds East</i>) (Lab) | † Mann, Scott (<i>North Cornwall</i>) (Con) |
| Byrne, Liam (<i>Birmingham, Hodge Hill</i>) (Lab) | Morris, James (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab) | † Pursglove, Tom (<i>Corby</i>) (Con) |
| † Chalk, Alex (<i>Parliamentary Under-Secretary of State for Justice</i>) | Rutley, David (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| † Charalambous, Bambos (<i>Enfield, Southgate</i>) (Lab) | Throup, Maggie (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| Clarkson, Chris (<i>Heywood and Middleton</i>) (Con) | Tomlinson, Michael (<i>Lord Commissioner of Her Majesty's Treasury</i>) |
| Docherty, Leo (<i>Aldershot</i>) (Con) | |
| Harris, Rebecca (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Jack Dent, <i>Committee Clerk</i> |
| Keeley, Barbara (<i>Worsley and Eccles South</i>) (Lab) | |
| † Kyle, Peter (<i>Hove</i>) (Lab) | † attended the Committee |
| Lewis, Clive (<i>Norwich South</i>) (Lab) | |

Fourth Delegated Legislation Committee

Wednesday 21 April 2021

[CLIVE EFFORD *in the Chair*]

Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) (Amendment) Regulations 2021

9.25 am

The Parliamentary Under-Secretary of State for Justice (Alex Chalk): I beg to move,

That the Committee has considered the Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) (Amendment) Regulations 2021 (S.I. 2021, No. 362).

It is a pleasure to see you in the Chair, Mr Efford. The statutory instrument before us today prevents enforcement agents or, in plain English, bailiffs from attending residential premises in England to execute a writ or warrant of possession, except in the most serious of circumstances. The Committee will be familiar with the structure and content of this statutory instrument in light of previous iterations.

The instrument applies to enforcement action in England and amends the Public Health (Coronavirus) (Protection from Eviction) (England) (No. 2) Regulations 2021 in only one respect by amending the expiry date from the end of March to the end of May. The Government continue to balance the need for clarity on how long the restrictions will be enforced against the ongoing developments in the pandemic. Retaining the restrictions in this instrument until 31 May, while covid-19 restrictions remain in place, will align with the broader strategy for protecting public health and will continue to help reduce pressure on essential public services as we move out of lockdown.

The extension to 31 May is broadly in line with the road map out of lockdown. Step 3 of the road map will be taken no earlier than 17 May, following a review of the data on the impact of the earlier steps. Step 3 will see a number of restrictions being lifted, including the restrictions on domestic overnight stays. Step 4 is scheduled for no earlier than 21 June. In considering the date of 31 May, in most cases bailiffs are required to give 14 days' notice of eviction so, in practice, protection from the enforcement of evictions will endure in most cases until mid-June. The choice of this date and, indeed, the regulations overall strike the appropriate balance in the prevailing circumstances.

The SI before us today extends the end date in the one that we debated on 9 March. As I set out then, since the start of the pandemic the Government have put in place support to protect renters directly. That includes measures such as these regulations, extending notice periods to end a tenancy, increasing the local housing allowance to the 30th percentile of local market rents in each area, and making £140 million available to local authorities in discretionary housing payments in 2021-22 to help renters with housing costs. We have also acted indirectly through furlough, support for the self-employed,

bounce back loans and so on, all of which contribute to supporting and sustaining the income tenants need to meet their obligations.

We have continued to provide for limited exemptions from the ban in cases where the competing public interest in ensuring access to justice, preventing harm to third parties or taking action against egregious behaviour and upholding the integrity of the rental market must be upheld. Those exemptions are as follows: where there are claims against trespassers who are persons unknown; where the order for possession was made wholly or partly on the grounds of antisocial behaviour, false statements, domestic abuse and social tenancies or substantial rent arrears equivalent to six months' rent; or where the order for possession was made wholly or partly on the grounds of the death of the tenant and the enforcement agent attending the property is satisfied that the property is unoccupied.

The SI contains a requirement for the court to be satisfied that an exemption applies on a case-by-case basis. That ensures that a clear, uniform, transparent process for establishing whether an exemption to the ban applies. In cases where a court has decided that an exemption to the ban does indeed apply, bailiffs need to give tenants at least 14 days' notice of an eviction in most circumstances and have been asked not to enforce evictions where a tenant has symptoms of covid-19 or is self-isolating.

In addition to these regulations, the Government have also introduced a requirement in the Coronavirus Act 2020 that landlords, in all but the most serious circumstances, must provide tenants with six months' notice before beginning formal possession proceedings in the courts. Prior to the pandemic, in section 21 cases, landlords needed to give two months' notice, and other grounds required as little as two weeks, so this requirement for longer notice is significant. It has also been extended to 31 May via an SI laid by the Housing Minister on 10 March, and that requirement to provide six months' notice in the majority of cases means that most renters served notice now can stay in their homes until October 2021, with time to find alternative support or accommodation. That emergency protection will remain in place until at least 31 May. The Government will consider the best approach after that date, taking into account public health advice and the wider road map.

The Government are continuing to take action to prevent people getting into financial hardship through the furlough scheme, as I have mentioned, and the self-employment income support scheme, both of which will remain in place until September. In addition, the £20 a week universal credit top-up will continue for a further six months, and we will provide a one-off payment of £500 to eligible working tax credit claimants. At the Budget, we also launched a new recovery loan scheme to ensure that businesses, notably the small and medium-sized enterprises that are the backbone of the British economy, will continue to be well supported in their ability to access the finance they need throughout 2021.

Under the existing business loan schemes, over 1.5 million British businesses have benefited from Government-backed support, receiving over £70 billion in total. We have also provided an extra £1 billion to increase local housing allowance rates so that they cover the lowest 30% of market rents, as I have indicated, and in 2021-22 local housing allowance rates will be maintained at their

increased level, meaning that claimants renting in the private sector will continue to benefit from significant increase in the rates applied in April last year. In 2021-22, the Government will also make £140 million available to provide additional financial support. Local authorities can use this discretionary funding to help renters with their housing costs.

Temporary court arrangements and rules have been put in place by the Master of the Rolls working group, and they remain in place to ensure appropriate support to all parties until the end of July. The arrangements include the introduction of a new review stage at least 28 days before the substantive hearing, so that tenants can access legal advice, a requirement for any cases that were started prior to August 2020 to be reactivated by their landlords until 30 April, and a requirement for landlords to provide the courts and judges with information on how tenants have been affected by the pandemic. In addition, the Government are piloting a new free mediation service as part of the possession action process to support landlords and tenants to resolve disputes before a formal court hearing takes place.

In short, this SI provides tenants with protection from eviction up to 31 May in a way that ensures vulnerable tenants are not forced from their homes during the current covid-19 restrictions. In doing so, it protects public health and helps to avoid placing additional burdens on the NHS and local authorities. I commend the regulations to the Committee.

9.32 am

Peter Kyle (Hove) (Lab): It is a pleasure to serve under your chairmanship, Mr Efford, and it is also nice to see the Minister opposite me. That does not happen very often these days following his dizzy elevation, so it is good to see him today.

Nobody in this Room would want to be evicted from their home. It is not just the worry of where to spend the night that would keep most of us up; it is the fear of what comes next. Where do I sleep the night after? How do I arrange another rental if my landlord refuses to give me a reference? What do I tell my family? How do I help my kids? Some of us might be able to arrange a safe place to stay at short notice through a quick text to a friend or a phone call to nearby family, but not everybody has that luxury. For many people evicted from their homes, what looms is not a few nights on a sofa, but a genuine fear of homelessness and the prospect of having to sleep rough with no end in sight.

Homelessness is a political failing for which the Government should be held to account. That fact makes the Government's consistent failure to identify a long-term solution to evictions during the pandemic all the more galling. Why is it that we are brought back here every couple of weeks to extend a ban that fails to tackle the underlying challenges of the housing sector? Why do the Government prefer continually to extend the short-term ban, rather than offer a long-term solution running to the end of the coronavirus restrictions that would offer renters and landlords certainty? Why do the Government continue to allow evictions for arrears built up since the start of the pandemic, despite the dire economic situation?

The Government's disastrous handling of the economy has made the situation even worse. What is more, the failure to support households that are building up arrears

has real consequences for those in more vulnerable financial situations. According to research from the National Housing Federation, 60% of households claiming universal credit are in rent arrears, with an average debt of nearly £610. The Government promised an end to no-fault evictions in their 2019 manifesto. Where is it? As with their victims Bill, the Government seem to prefer promises to real action.

Rather than offering sticking-plaster extensions to a ban already too limited in scope, Labour has ambitious plans for renters and homeowners everywhere. We would strengthen and extend the ban on evictions and repossessions until restrictions are over, extend mortgage holidays, raise local housing allowance to cover median market rents, reform housing law to end automatic evictions through the courts, reduce the waiting period to receive support for mortgage interest payments, retain the £20 universal credit uplift beyond six months, end the five-week wait, and suspend the benefits cap. Labour is on the side of renters and homeowners. Through their policy and practice, it is clear that the Tories are not. After this extension is ratified, it is up to the Government to transform the housing sector once and for all. The next time we are called back to a Committee like this I hope that such a transformative offer is on the table.

9.36 am

Alex Chalk: I am grateful to the hon. Gentleman for his kind words of introduction. I am slightly less grateful for what followed, but I will take a few moments to respond.

I thank the hon. Gentleman for how he expressed his points, and I certainly agree that any homelessness is a stain on a decent society, but this Government have done more to address it than any Government in recent history. When he talks about what the Opposition would do, I am drawn to recall that, in 13 years of government, did the Labour party introduced a homelessness reduction Act? No. Did the Labour Government do anything to address the housing shortage? No. It has fallen to this Government to build more homes, to introduce the Homelessness Reduction Act 2017 and, in the course of this pandemic, to roll out what I can fairly be called an unprecedented package of support running to some £400 billion that is there to support people from all parts of society including, of course, renters.

The hon. Gentleman says with great criticism that these measures do not go far enough, but is he seriously suggesting that people who have been found to have perpetrated domestic abuse should somehow be protected from eviction? Surely he cannot be saying that, because if he wants to stand up for victims—I know he believes this—he should not give a free pass to people who perpetrate that kind of crime. This Government are striking a balance between protecting the needs of renters with a package of financial and statutory support, while also ensuring that those who perpetrate egregious behaviour should not be able to hide behind the pandemic to perpetrate their criminality. We take pride in these regulations, we think they strike that right balance, and I commend them to the Committee.

Question put and agreed to.

9.38 am

Committee rose.

