

- an option for ending a tenancy;
- 1.5 Whether, with reference to its Business Plan, the Board of Directors considers it is in the best interests of the company to implement a company decision to voluntarily remove section 21 notices as an option for use for ending a tenancy.

Reason for Decision

In anticipation of approving business plans for the companies which support the Council's Corporate Strategy, as sole shareholder and owner of the companies.

1 Background

- 1.1 Under the Renters (Reform) Bill, which is currently in its second reading in the House of Commons, Section 21 of the Housing Act 1988 will be repealed and landlords will no longer be able to terminate tenancies via section 21 notices. These notices are commonly known as "No Fault Evictions" although it should be noted that if a tenant did not move out of the property by the deadline in the notice (at least two months from the date of the notice) then the landlord would still be required to obtain a Possession Order and appoint a Court Bailiff in order to evict the tenant.
- 1.2 Section 21 notices were novel in their introduction as they did not require a reason for the notice to terminate the tenancy unlike under the alternative route to evict which is section 8 of the Housing Act 1988, where one or more mandatory or discretionary grounds have to be provided (and where necessary, proven), as set out in Schedule 2.
- 1.3 Under the current drafting of the Bill, whilst abolishing section 21, there will be no less than 33 different grounds for possessions in Schedule 2 to the 1988 Act as amended. There are currently 17 grounds. As under the current framework, the grounds will be either mandatory or discretionary.
- 1.4 It is currently projected that the Renters (Reform) Act, upon receiving Royal Assent, would not come into effect until at least October 2024, assuming there are no delays to the Parliamentary timetable.
- 1.5 The Council's two wholly owned properties, West Norfolk Property Limited and West Norfolk Housing Company Ltd, both issue tenancies either through itself or through a contracted housing management provider and therefore can serve section 21 notices in relation to certain tenancies.
- 1.6 In support of its proposed Corporate Strategy on supporting communities and helping to prevent homelessness, this administration wishes explore the fast-tracking of the removal of section 21 notices from the range of options available to its wholly owned companies, West Norfolk Property Limited and West Norfolk Housing Company Limited, to terminate tenancies issued by the company or their contracted housing management provider.

2 Options Considered

- 2.1 It is an option to wait for the Renters (Reform) Act, if it receives Royal Assent, to come into effect, which the Council's two wholly owned property companies would have to comply with. However, there is no guarantee on when that may be, and on the current projection is at least one year away.
- 2.2 This administration wishes to explore what it can do now to support its communities, lead by example and help to prevent homelessness, and therefore

wishes to explore now the option of its companies voluntarily choosing not to use section 21 notices.

3 Policy Implications

- 3.1 The proposed recommendation links to the proposed Corporate Plan due for consideration by Full Council on 23 November 2023. The provision of the requested reports by the companies on the issue of section 21 notices will enable a decision to be made by the Shareholder Committee after the new Corporate Strategy has been set.

4 Personnel Implications

None

5 Environmental Considerations

None

6 Statutory Considerations

The recommendation relates to the use of notices under section 21 of the Housing Act 1988 in order to end a tenancy and instead using the grounds set out in section 8 of the Housing Act 18988, as referred to above.

7 Equality Impact Assessment (EIA)

(Pre screening report template attached)

Not applicable in relation to the request for reports from the Companies – no decision is being taken at this stage.

8 Risk Management Implications

Whilst the matter is only being explored; none.

9 Declarations of Interest / Dispensations Granted

None

10 Background Papers

None