



Ministry of Housing,
Communities &
Local Government

Eddie Hughes MP

Minister for Rough Sleeping and Housing

**Ministry of Housing, Communities and Local
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Our Ref: 10952472
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12 May 2021

Dear Will,

Thank you for your email of 8 April to the Rt Hon Christopher Pincher MP, on behalf of Mr Simon Collyer of 42 Avignon Close, Colchester, Essex about tenant references and illegal evictions. I have been asked to reply as this matter falls within my ministerial responsibilities. Please accept my apologies for the delay in doing so.

Mr Collyer raises concerns about tenants failing referencing checks because of being in receipt of benefits. The Government wants everyone to have access to secure and safe housing. While most landlords are decent and responsible owners who provide a professional service, blanket bans against tenants in receipt of benefits have no place in a fair and modern housing market.

The Government has previously worked with the lettings industry to agree an approach to end this practice. Major lettings portals Zoopla and Rightmove agreed to stop the use of 'No DSS' adverts on their websites, and several major lenders have agreed to remove restrictions on mortgages which prevented landlords from letting to tenants on benefits. The Government continues to strongly encourage landlords and agents to look at all potential and existing tenants on an individual basis. Recent rulings in York and Birmingham County Courts found 'No DSS' letting bans to be unlawful indirect discrimination.

Legislation exists to prohibit acts of discrimination against individuals in terms of race, age, disability, gender, religion, and sexual orientation amongst others. If Mr Collyer believes that he or someone he knows has been discriminated against, I would advise seeking independent legal advice or contact Citizens' Advice for free, impartial advice on 08444 111 444 or at: <http://www.citizensadvice.org.uk/>

A letting agent is free to carry out any referencing checks within the law as they deem appropriate before accepting a new tenant. This may include income requirements or the need for a guarantor, dependent upon the decision of the individual landlord. If Mr Collyer feels that an agent is acting unfairly or continues to offer a poor service, he may wish to raise a formal complaint. The complaint must first be raised with the agent to give them the opportunity to rectify the issue. If the complaint is not satisfactorily resolved through the agent's internal complaint handling process, then a complaint should be lodged with the agent's redress scheme.

Mr Collyer also raises concerns about illegal evictions. Councils have enforcement powers to tackle illegal eviction. They can investigate offences of harassment and illegal eviction under the Protection from Eviction Act 1977 and, if the evidence justifies it, prosecute where an

offence has been committed. In cases where the landlord has been convicted of acting illegally, they may be subject a rent repayment order, a fine and/or imprisonment for up to two years. The landlord may also be subject to a banning order, as unlawful eviction and harassment under the Protection from Eviction Act 1977 is a banning order offence.

I trust this information is helpful and I thank you for writing on this important matter.

Yours ever,

A handwritten signature in blue ink, appearing to read 'E. Hughes', with a stylized flourish at the end.

EDDIE HUGHES MP