

Written evidenced from Just Fair (RRB0003)

A. Background

1. Just Fair¹ is a UK charity that is working to realise a fairer and more just society by monitoring and advocating for economic, social and cultural rights in the UK. We aim to ensure that the UK's law, policy, and practice comply with its human rights obligations and commitments pertaining to economic, social and cultural rights. We are committed to increasing public awareness of international and domestic human rights law, and the capability of the UK Government and relevant public bodies to respect, protect and fulfil economic, social and cultural rights.
2. This submission of evidence is written by Just Fair in response to the Joint Committee on Human Rights call for evidence for its 'Legislative Scrutiny: Renters' Reform Bill'. We address significant human rights issues raised or likely to be raised by the Bill, and whether the Bill could enhance the protection of human rights.

B. Background

3. Even before the pandemic, England has been experiencing a housing crisis. Exceptionally high numbers of people are homeless, or vulnerable to homelessness.² Problems include inadequate social security, issues of supply, high and further increasing housing costs, lack of security of tenure, and homes of such poor quality that they are unfit for habitation. As a result of the economic and social impacts of the COVID-19 pandemic, many more private renters are living in, or facing, these situations of insecurity and uncertainty.
4. The UK Government is failing to meet its obligations to ensure that the right to housing is enjoyed by people in the UK; everyone has a right to enjoy a standard of housing which is adequate, safe and secure. The right to adequate housing is guaranteed in international human rights treaties ratified by the UK. These include, but are not limited to, Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 27(3) of the Convention on the Rights of the Child, Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, and Articles 13 and 14(2)(h) of the Convention on the Elimination of all Forms of Discrimination Against Women.
5. In particular, the UK voluntarily agreed to international obligations to respect, protect and fulfil the right to housing under the ICESCR in 1976. It undertook to take progressive, not regressive, steps towards the realisation of the right to housing for all people, using all the means at its disposal. It is essential that the UK Government takes steps which comply with this duty. The equal

¹ <https://justfair.org.uk/>

² <https://justfair.org.uk/wp-content/uploads/2018/05/Protecting-the-rights-to-housing-in-England.pdf>;
<https://justfair.org.uk/wp-content/uploads/2018/09/JF-Generation-Rent-End-Section21-Sept2018-FINAL.pdf>;

enjoyment of the right to housing without discrimination, means all people in the UK have the right to live in security, peace and dignity and with the guarantee of physical safety.³

6. In this submission, we provide recommendations based on human-rights standards which we believe should be considered in the Renters' Reform Bill.

C. Recommendations

Access to remedies and redress

7. The Conservative General Election manifesto⁴ set out that a Conservative Government would provide necessary mechanisms of redress for tenants. The level of human rights protection available in the UK must be in line with the international position which maintains that where no legal remedies are available the UK contravenes its international legal obligations.⁵ We recommend that the UK Government:
 - Ensures and supports the administration of justice which allows procedural and substantive claims that are accessible and affordable to all aggrieved individuals.⁶

Security of tenure

8. In the Conservative General Election manifesto, the Conservative Party, now in government as the UK Government, promised a "Better Deal for Renters, including abolishing 'no fault' evictions and only requiring one 'lifetime' deposit which moves with the tenant. This will create a fairer rental market: if you're a tenant, you will be protected from revenge evictions and rogue landlords, and if you're one of the many good landlords, we will strengthen your rights of possession."⁷
9. We recommend that the UK takes immediate legislative measures to strengthen security of tenure in the private rental sector including through:
 - Prohibition of retaliatory and no-fault evictions, including through preventing landlords from bringing eviction procedures as reprisal for well-founded maintenance and improvement requests where a property is in a serious state of disrepair or where a property has serious hazards.
 - Prohibition of arbitrary or retaliatory rent increases.
 - Increasing the minimum tenancy term of private rental agreements to give tenants security and stability.

³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The right to adequate housing, 1991, para. 7 and 8(d), UN doc: E/1992/23.

⁴ https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

⁵ <https://justfair.org.uk/wp-content/uploads/2021/02/JCHRHRAEvidence.pdf>

⁶ <https://justfair.org.uk/wp-content/uploads/2021/02/JCHRHRAEvidence.pdf>

⁷ https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

- Urgently ending Section 21 evictions.

Quality and condition of housing

10. In December 2019, the Queen's Speech⁸ set out that new measures will be brought forward to protect tenants and to improve building safety.⁹ Housing must be habitable, including adequate space, protection from threats to health (such as cold, damp, heat, rain or wind), protection from structural hazards and/or disease. The UK Government must take immediate steps to ensure housing in the private rental sector is adequate, including through:

- Taking immediate steps to monitor and regulate the safety and quality of private rented housing.¹⁰
- Taking progressive steps, to improve the quality of housing in the private rental sector.

Affordability and accessibility

11. In the 2019 Queen's Speech, it was said that the UK Government will take steps to support home ownership, including by making homes available at a discount for local first-time buyers.¹¹ In addition to this, attainment, accessibility and satisfaction of housing must not be conditional on specific characteristics, or socio-economic grounds including income. The UK Government must ensure affordability in the private rental sector including through:

- Providing tenants with protection against arbitrary or retaliatory rent increases.
- Preventing private landlords from imposing higher costs on homeless applicants or tenants; applicants or tenants on benefits; and applicants or tenants who are non-nationals, or 'appear foreign', or have 'non-straight-forward' documentation under 'right to rent' checks.

12. The UK Government must ensure that disadvantaged people have full and sustainable access to housing without discrimination including through:

- Prohibiting discriminatory letting practices against homeless households and households in receipt of social security by private landlords or letting agents.
- Providing funding for private rented sector access schemes to assist homeless households and households in receipt of benefit into the private rental sector.
- Preventing discriminatory checks in the 'right to rent' process by private landlords or letting agents.¹²
- Ensuring that social security policies, particularly any changes to welfare benefits, do not create a barrier to access to housing.

⁸ <https://www.gov.uk/government/speeches/queens-speech-december-2019>

⁹ <https://www.gov.uk/government/speeches/queens-speech-december-2019>

¹⁰ <https://justfair.org.uk/wp-content/uploads/2018/05/Submission-to-the-Grenfell-Tower-Inquiry-Consultation-on-Terms-of-Reference.pdf>

¹¹ <https://www.gov.uk/government/speeches/queens-speech-december-2019>

¹² <https://justfair.org.uk/wp-content/uploads/2020/12/Written-evidence-submitted-by-Migrants-Rights-Network-and-Just-Fair.pdf>

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