



Department for
Communities and
Local Government

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Homelessness Code of Guidance for Local Authorities – s21 evictions and intentionality

This Government is committed to building a strong private rented sector which provides security and stability for both landlords and tenants.

Landlords and tenants continue to raise concerns about local authorities advising tenants to stay when issued with a Notice seeking possession of a property let on an Assured Shorthold Tenancy under section 21(1) or (4) of the Housing Act 1988. I receive a large amount of correspondence on this.

The legislation relating to landlords and tenants, as well as statutory guidance on homelessness, seeks to strike the right balance between protecting the rights of tenants and of landlords. But a local authority advises a tenant to stay in a property beyond the notice period and, therefore, compels the landlord to go to the courts to obtain possession, this results in significant costs. Authorities should not routinely be advising tenants to stay until the bailiffs arrive; there is no barrier to them assisting the tenant before this. By doing this local authorities miss a valuable opportunity to prevent homelessness.

The statutory Homelessness Code of Guidance, which local authorities are required by law to have regard to, is clear on this matter. It contains guidance on how authorities should treat homelessness applications in circumstances where a tenant has received a valid s21 notice. It says that housing authorities should not, in every case, insist upon a court order for possession and that no local authority should adopt a blanket policy in this respect. The Guidance states that if the landlord intends to seek possession and there would be no defence to an application for a possession order then it is unlikely that it would be reasonable for the applicant to continue to occupy the accommodation.

Unless a local authority has very good reason to depart from the statutory guidance then they should not be placing households in this position.

As you may be aware, Government is committed to working with local authorities, homelessness organisations and across Departments to consider options, including legislation, to prevent more people from becoming homeless. The way local authorities deal with s21 notices will be one of the things I will be looking at.

I would be grateful if you could cascade this message to your housing teams.

BRANDON LEWIS MP