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Safer Renting

Journeys in the  
shadow private  
rented sector

Roz Spencer, Ben Reeve-Lewis, Julie  
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# About Safer Renting

- **A non profit CIC. Began operations April 2016 – currently a team of 8**
- **Hybrid Tenancy Relations service for the licensing and enforcement teams of the London boroughs of Hounslow, Enfield, Waltham Forest, Havering, Westminster, Lambeth & Newham.**
- **PFEA Prosecution work, Defending possession proceedings assisting with injunctions, deposit protection penalties and RROs, protecting tenants from exploitation by criminal landlords**
- **Also a funded charity based at Cambridge House, supported by the Legal Education Foundation, Comic Relief, Trust for London and others.**

# Journeys in the shadow private rented sector

- **First report of it's kind**
- **Concentrates on the growth in criminality in the PRS**
- **Two and a half years in the making.**
- **Main problem was lack of 'Big data'**
- **Interviewed a range of renters who live in the shadow PRS**
- **Interviewed housing enforcement officers of all stripes.**
- **Interviewed specialist housing solicitors who deal with a range of rental problems.**
- **Interviewed MPs about the growth in reported constituent problems with renting**

# Problems gathering data

- **Our research into the number of illegal evictions was extremely frustrating.**
- **The homelessness database H-Clic revealed over 900 illegal evictions nationally as the cause of statutory homelessness acceptances.**
- **Safer Renting dealt with 154 in 5 London boroughs in 15 months.**
- **Indicating a more likely figure of 900+ in London alone.**
- **These figures do not count illegal evictions of people not owed a statutory homelessness duty.**
- **When contacted, both the MoJ and the Met police said they do not count figures relating to illegal evictions**

# The changing face of the criminal landlord

- In 1990 you knew the true identity of the offender.
- Where they lived
- What properties they owned
- In 2020 offenders are more likely to be using aliases, chains of fake companies.
- Internet portals providing anonymity.
- Exploiting the most vulnerable and desperate renters.
- Often hard working people in low paid jobs.
- They generally avoid anyone claiming benefits because of the chance of official notice being taken of the rental

# The changing face of the criminal landlord

- **In the 450 or so households Safer Renting have worked with over the past 4 years, most of them are living in properties run as Rent 2 Rent scams.**
- **In nearly all cases there is at least one dubious letting agency involved.**
- **Tenancy agreements are only issued in about half the cases.**
- **Criminal landlords avoid giving receipts for rent paid.**

# Report typologies

- **Wilfully ignorant** landlords who tended to have small portfolios and were letting with no intention of meeting their statutory obligations;
- **Corner cutters** had larger portfolios and maximised their rental income through noncompliance, factoring penalties and fines into their business model;
- **Scammers** remained hidden, and often used the internet to swindle tenants – and landlords – through securing and then stealing deposits, or renting property that was immediately sublet or let on the short-let market;
- **Prolific offenders** showed a blatant disregard for the law, often acting unpleasantly and with impunity, and were confident about their ability to challenge any attempt at prosecution;
- **Lettings linked** to organised crime in which letting might be associated with slave labour and sex trafficking and the use of rented property as cannabis farms.



Certain property management behaviours were strongly linked to illegality.

- **A tendency to operate at the edges of tenancy law, where there could be ambiguity around tenant rights, for example, in rent-to-rent scams, ‘lockdown’ subdivision, property guardianship, ‘lifestyle’ clubs and short-term lettings;**
- **High density letting and serious overcrowding, including the use of structures – shipping containers, sheds, garages – not designed for residential purposes;**
- **Operating with no formal tenancy agreements and requiring tenants to pay cash with no rent book or receipts;**
- **Common use of illegal eviction, which could include – in addition to the sudden loss of home – theft or damage to property and some level of physical assault or threat**



## Just 4 of Safer Renting's additional recommendations

- **We are campaigning for changes to legislation and processes that are aimed at plugging specific loopholes and weakness that the criminals exploit.**
- **These recommendation are not big “Asks”, based as they are on small amendments that have already been made in legislation that make a huge difference. The precedents are often already there.**
- **We want the law to be more “Street-smarts” in relation to how criminals think.**
- **We want to see our recommendations make the abuses of the PRS an option too risky to take.**

# 1: Amending the Land Compensation Act 1973

- **Under the current law, if a local authority closes a property down under a prohibition order, the LCA places a housing duty on the local authority and a requirement to pay a home loss payment to the tenants, starting at £6,100.**
- **We recommend a simple change, to place the duty to make a home loss payment on the property owner.**
- **If an owner allows a property to deteriorate to such an extent that the local authority are forced to shut it down, why should the public purse be responsible for the compensation?**

## 2: Make perpetrators of illegal eviction pay costs of homelessness duties

- **It isn't always possible to get illegally evicted tenants back into their accommodation.**
- **Many of those illegally evicted end up having to make a homelessness application.**
- **Stress of this process apart, this costs the public purse thousands of pounds in temporary accommodation costs, officer time, rehousing packages etc.**
- **Perpetrators of illegal eviction should be made liable for any and ALL costs of a Part VII application, even if the person is not ultimately owed a re-housing duty, for instance dealing with reviews, appeals and judicial reviews to adverse decisions.**

### 3: Extend interim management orders to include PFEA breaches

- **IMOs are a facility that allows a local authority to take over management control of a property from a landlord, receiving the rent for 12 months, where the property is unlicensed.**
- **Our recommendation is to add harassment and illegal eviction to the reason an IMO can be imposed.**
- **The Housing and Planning Act 2016 made exactly the same amendment to the reasons an application for a Rent Repayment Order can be made.**
- **It should be emphasised that a local authority does not have to provide the management function. This can be contracted out.**

## 4: Amend sentencing guidelines on PFEA breaches

- **Illegal eviction is the ultimate theft. Not only do people lose their homes but also criminal landlords often steal all of a person's possessions to reduce evidence of occupation.**
- **These people also steal any sense of security and well being, their children's educational development & personal confidence, even their mental health.**
- **Harassment and Illegal Eviction carry a potential unlimited fine and 2 years in prison and yet shoplifting more than £200 worth of goods carries a 7 year prison sentence and illegally downloading films or music carries a 10 year sentence.**

## Amend sentencing guidelines on PFEA breaches

- **Magistrates generally award well below £1,000 in fines and often just impose community service or a curfew.**
- **In 2019 landlord Jeffery Reeve illegal evicted his tenant who was hospitalized with hypothermia after having no alternative but to sleep in the garden.**
- **Magistrates gave the landlord a conditional discharge.**
- **We want magistrates to start levying unlimited fines and impose prison sentences as a matter of routine.**
- **This would sit alongside our proposal to extend IMOs for PFEA breaches, making perpetrators pay the costs of rehousing and the existing ability for renters to claim RROs.**

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**Thanks for your time**

**Any queries email Ben at  
[breevelewis@ch1889.org](mailto:breevelewis@ch1889.org)**

