London Borough of Hounslow

Supplementary Private Sector Housing Enforcement Policy – Renters' Rights Act 2025

1. Purpose and Status of this Policy

This Supplementary Enforcement Policy sets out how the Council will exercise its enforcement functions under the Renters' Rights Act 2025 (RRA25).

This policy sits alongside the Council's Private Sector Housing Enforcement Policy and applies only to enforcement of the "landlord legislation" as defined by section 107 of the Renters' Rights Act 2025.

This policy does not replace or amend the Council's Private Sector Housing Enforcement Policy, which continues to govern enforcement under the Housing Act 2004 and other pre-RRA legislation.

Where enforcement activity falls within landlord legislation under the Act, this supplementary policy takes precedence.

2. Legislative Framework

2.1 Statutory Duty

Section 107 of the Renters' Rights Act 2025 places a statutory duty on local housing authorities to enforce landlord legislation.

This represents a shift from discretionary enforcement to a mandatory enforcement framework, requiring the Council to actively consider and pursue enforcement action where breaches are identified.

2.2 Landlord Legislation

For the purposes of this policy, "landlord legislation" includes:

- Chapters 3 and 6 of Part 1 of the Renters' Rights Act 2025.
- Part 2 of the Renters' Rights Act 2025.
- Sections 1 and 1A of the Protection from Eviction Act 1977; and
- Chapter 1 of Part 1 of the Housing Act 1988 (as amended).

This policy does not apply to legislation outside the above scope.

3. Scope and Definitions

In this policy, the term 'landlord' should be read as including letting agents, managing agents, licensors, property owners, directors of corporate landlords and any other person involved in the letting or management of privately rented accommodation.

4. Relationship with the Regulators' Code

The Council recognises the principles of the Regulators' Code and will continue to apply them where legally required.

However, in respect of landlord legislation under the Renters' Rights Act 2025, reliance on informal or advisory action as the default response is no longer appropriate. The Council will not rely on the Regulators' Code to justify avoidance of enforcement where a breach is identified. This reflects the mandatory enforcement duty imposed by section 107.

5. Enforcement Approach Under the Renters' Rights Act 2025

5.1 This policy document sets out what owners, landlords, their agents or any other person involved in the letting or management of privately rented accommodation, and tenants of private rented sector properties, can expect from officers when dealing with non-compliance.

All enforcement actions taken will be in accordance with relevant statutory Codes of Practice, Council procedures and protocols, and official guidance from central and local government bodies.

As a public body under the Human Rights Act 1998, the Council will apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5.2 Enforcement as First Response

Where a breach of landlord legislation is identified, the Council may commence enforcement action with formal measures as the first step.

Formal action is likely where:

- The breach is deliberate, reckless or repeated.
- There is harm or risk of harm to tenants.
- The breach relates to unlawful eviction or tenancy reform requirements; or
- Informal compliance would undermine the Council's statutory enforcement duty.

Informal action may still be used where legally appropriate but will not be the default position.

5.3 In cases involving allegations of harassment and/or unlawful eviction, the Council will adopt a graduated and proportionate enforcement approach, having regard to its duties under the Protection from Eviction Act 1977 and relevant provisions of the Housing Act 2004 and Renters' Rights Act 2025.

In the first instance, the Council will, where appropriate, provide advice and informal intervention with a view to preventing escalation and securing early resolution. This may include engagement with landlords and tenants to promote compliance and to

discourage unlawful practices. The Council will seek to promote a preventative approach, including signposting appropriate civil remedies, including applications for Rent Repayment Orders (RROs) under the Housing and Planning Act 2016 (as amended); and directing parties to relevant support services and organisations where appropriate.

A risk-based prioritisation framework will be applied to determine the appropriate level of intervention. This will ensure that cases involving serious risk, vulnerability, or ongoing unlawful conduct are prioritised for formal investigation and potential enforcement action and lower-risk matters may, where appropriate, be resolved through informal action or referral/signposting to other Council services or external advice agencies, including (but not limited to) Shelter and the Citizens Advice Bureau.

Where issues relate primarily to rehousing or homelessness, responsibility will remain with the Council's relevant housing or homelessness service. The Private Sector Housing Enforcement function will work collaboratively with those services where necessary but will not assume responsibility for rehousing duties.

6. Investigatory Powers

The Council will use the investigatory powers introduced and expanded by the Renters' Rights Act 2025, including:

Power to Investigate

S114 Renters' Rights Act 2025 gives the Council power to issue a notice to a relevant person to require the person to provide specified information and documents to the Council.

This notice may be given to any person with an estate or interest in the land; the licensor; their agents; or a marketer of a property. It may be given regarding any offence under the following Legislation:

- Sections 1 and 1A of the Protection from Eviction Act 1977.
- Chapter 1 of Part 1 of the Housing Act 1988.
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013.
- Sections 21 to 23 of the Housing and Planning Act 2016.
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Failure to comply with s114 notice is an offence under s131 Renters' Rights Act 2025, as is being obstructive and intentionally or recklessly making false or misleading statements in response to a s.113 notice.

S115 Renters' Rights Act 2025 permits the Council when it reasonably suspects a breach of the Rented Accommodation Legislation to issue a notice to any person requiring them to provide the information specified. This may only be done to investigate whether a breach has occurred under the Rented Accommodation

Legislation, or to determine the amount of a penalty. For the purposes of this section, the Rented Accommodation Legislation means:

- Sections 1 and 1A of the Protection from Eviction Act 1977;
- Chapter 1 of Part 1 of the Housing Act 1988;
- Parts 1 to 4 and 7 of the Housing Act 2004 ;
- Section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013;
- Sections 21 to 23 of the Housing and Planning Act 2016;
- Chapter 3 of Part 1 and Part 2 of the Renters' Rights Act 2025.

Where an individual has not complied with a s115 notice, s116 Renters' Rights Act 2025 enables the Council to make an application to the Court to enforce the provisions of the notice and seek reimbursement for the costs of the application.

S131 Renters' Rights Act provides that, in addition to the offence of non-compliance with a s114 notice, it is an offence for an individual to obstruct a Council officer seeking to exercise their powers without reasonable excuse. It is also an offence to fail to give an officer any additional assistance or information which they reasonably require without reasonable excuse.

Entry to Premises

S118 Renters' Rights Act 2025 permits Council officers to enter business premises of relevant people (including landlords, letting agents, and marketers) if it is necessary for the production or seizure of documents under s122-s123 Renters' Rights Act 2025. This power will be exercised without a warrant.

S121 Renters' Rights Act 2025 allows a Council officer named in a warrant to enter premises used for a rental business which is not mainly accommodation if there are documents on the premises which the officer could require under s122 or seize under s123. In addition, for this power to be exercised, one of the following conditions must be met:

- That access to the premises has been or is likely to be refused, and the Council has provided notice of their intention to apply for a warrant to the occupier.
- Those documents on the premises would likely be concealed or interfered with if notice of entry were to be given.
- That no occupier is present, and waiting for their return might defeat the purpose of the entry.

Following s118 or s121 Renters' Rights Act 2025 entry, s122 allows an officer at any reasonable time to require a relevant person on the premises to produce any documents relating to the business and to take copies of them. This may only be exercised to ascertain whether there has been a breach of the Rented Accommodation Legislation where an officer reasonably suspects there has been a

breach or an offence; or to ascertain whether the documents may be required in evidence for proceedings regarding a breach or offence.

Following a s118 or s121 Renters' Rights Act 2025 entry, s123 authorises Council officers to seize and detain documents that the officer reasonably suspects may be required as evidence in proceedings relating to a breach of, or an offence under, the Rented Accommodation Legislation. When doing so, the officer will provide evidence of the officer's identity and authority if reasonably practicable. The officer will take reasonable steps to inform the person from whom documents have been seized that they have been seized and will provide that person with a written record of what has been taken.

S126 Renters' Rights Act 2025 permits the Council to enter residential premises used for a tenancy at a reasonable time if the officer considers it necessary as part of an investigation into potential offences specified in subsection 1(b). Where required, the Council will give at least 24 hours' notice of this to the occupier and individuals with an interest in the property as per subsection 1(c), detailing in writing why the entry is necessary and the suspected offences. Where there are occupiers found on the premises, the officer will provide evidence of the officer's identity and authority to at least one of the occupiers if reasonably practicable.

All investigatory activity will be carried out in accordance with:

- Statutory requirements.
- Corporate enforcement procedures; and
- Public law, data protection and human rights principles.

7. Enforcement Options

The Council may use one or more of the following enforcement tools where appropriate:

- Civil financial penalties.
- Prosecution.
- Rent Repayment Orders.
- Banning Order applications; and
- Ancillary enforcement powers associated with the Act.

The selection of enforcement action will be based on the circumstances of the case, the seriousness of the breach, and the need to secure compliance and deterrence.

8. Civil Financial Penalties for specified offences

8.1 Statutory Guidance

In exercising its powers to impose civil financial penalties, the Council will have regard to the statutory guidance entitled: "Civil penalties under the Renters' Rights

Act 2025 and other housing legislation", published by the Secretary of State on 13 November 2025.

Local housing authorities are required to have regard to this guidance when setting civil penalty policies and when imposing civil penalties.

8.2 Council Civil Penalty Policy

The Council has adopted a single, updated Civil Penalty Policy which reflects the requirements of Government statutory guidance "Civil penalties under the Renters' Rights Act 2025 and other housing legislation", published by the Secretary of State on 13 November 2025. This will apply to all relevant offences committed after the 01 May 2026. Civil Financial Penalties in respect of these offences operate according to their own independent standalone policy

This section relates exclusively to Civil Financial Penalties issued by the Council for breaches of the housing law below. The Council has the power to impose a Civil Financial Penalty for the following:

- Unlawful eviction and harassment of occupiers as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to licensing of Houses in Multiple Occupation (HMOs) [s72 Housing Act 2004]
- Offences in relation to the Selective Licensing of 'houses' [s95 Housing Act 2004]
- Failure to comply with an Overcrowding Notice [s139 Housing Act 2004]
- Failure to comply with a management regulation in respect of an HMO [s234 Housing Act 2004]
- Failure to secure the removal of a category 1 hazard and failure to meet Type 1 requirements on qualifying residential premises, where it would have been reasonably practicable to do so [s6A Housing Act 2004]
- Offences in relation to Regulation 3 of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Failure to comply with a banning order [s21 Housing and Planning Act 2016]
- Failure to give a written statement of terms under section 16D of the Housing Act 1988
- Failure to give an existing tenant information about changes made by the Renters' Rights Act under paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025
- Attempting to let a property for a fixed term under section 16E of the Housing Act 1988
- Attempting to end a tenancy orally or by service of a notice to quit under section 16E of the Housing Act 1988

- Serving an eviction notice that attempts to end a tenancy outside the prescribed section 8 process under section 16E of the Housing Act 1988
- Relying on a ground where the person does not reasonably believe that the landlord is/will be able to obtain possession under section 16E of the Housing Act 1988
- Relying on a ground knowing the landlord would not be able to obtain possession or being reckless as to whether they would under section 16J of the Housing Act 1988
- Failing to provide a tenant with prior notice that a ground which requires it may be used under section 16E of the Housing Act 1988
- Reletting or remarketing a property before expiry of the 12 month no-let period after using the moving and selling grounds under sections 16E and 16J of the Housing Act 1988
- Discriminating against prospective tenants during the letting process on the grounds that those tenants are in receipt of benefits or have children under sections 33 and 34 of the Renters' Rights Act 2025
- Marketing a letting without stating the proposed rent under section 56 of the Renters' Rights Act 2025
- Inviting or encouraging any person to offer to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025
- Accepting an offer from any person to pay an amount of rent under the proposed letting that exceeds the stated rent under section 56 of the Renters' Rights Act 2025

9. Rent Repayment Orders

Part 2 of the Housing and Planning Act 2016 permits the Council to seek a Rent Repayment Order at the First Tier Tribunal Property Chamber to require the landlord of the property where the offence(s) has been committed to refund rent to the tenants or the Council. S48 of the Housing and Planning Act 2016 places a duty on the Council to consider applying for Rent Repayment Orders.

Where a landlord has been convicted or received a Civil Financial Penalty in respect of the offence, the Tribunal must award the maximum applicable amount, except in exceptional circumstances.

This power will be considered in response to all qualifying offences and where there is sufficient evidence for successful application to the First Tier Tribunal.

The qualifying offences are:

- Unlawful eviction and harassment of occupiers as defined under the Protection from Eviction Act 1997
- Failure to comply with an Improvement Notice [s30 Housing Act 2004]
- Offences in relation to unlicensed HMOs [s72(1) Housing Act 2004]

- Offences in relation to unlicensed houses [s95(1) Housing Act 2004]
- Failure to comply with an Improvement Notice [s30(1) Housing Act 2004]
- Failure to comply with a Prohibition Order [s32(1) Housing Act 2004]
- Breach of a Banning Order [s21 Housing and Planning Act 2016]
- Using Violence to secure entry [s6(1) Criminal Law Act 1977]
- Knowingly or recklessly misusing a possession ground [s16J(1) Housing Act 1988]
- Letting or marketing of a property within twelve months of using the 'moving in' or 'selling' ground of eviction [s16J(2) Housing Act 1988]
- Continuous breach of certain tenancy reform requirements [s16J(3) Housing Act 1988]

An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty. Where the Council has issued a Civil Financial Penalty or pursued prosecution, it will usually apply for a Rent Repayment Order where public funds have been paid to a landlord who has committed a qualifying offence.

S49 of the Housing and Planning Act 2016 enables the Council to assist tenants in applying for Rent Repayment Orders. The Council will usually assist tenants by referring or signposting them to Justice for Tenants.

10. Banning Orders

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. This would prevent the landlord from:

- Letting housing in England.
- Engaging in English letting agency work;
- Engaging in English property management work; or
- Doing two or more of those things.

The Council may consider a Banning Order for the more serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities. It will also take into account other relevant factors, including but not limited to:

- The harm, or potential harm, caused to the tenant;
- The need to punish the offender;
- The need to deter the offender from repeating the offence;
- The need to deter others from committing similar offences.