

THE RENTERS' VOTE

Protect renters from illegal eviction

A Renters' Manifesto for Police
& Crime Commissioners



GENERATION RENT
The national voice of private renters

Introduction

On Thursday 6 May, voters in England and Wales will elect 39 Police and Crime Commissioners, and Mayors for Greater London, Greater Manchester and West Yorkshire, who will have responsibility for policing.

Generation Rent is calling on candidates for these positions to commit to include the following in their Police and Crime Plan:

1 Training of police officers, police community support officers and call handlers so they can better understand know when a renter is being illegally evicted and so they can step in and to keep the renter in their home.

2 A strategy to work with local councils to prevent illegal evictions.

3 Recording and publishing statistics of incidents between landlords and tenants, and whether these are treated as criminal or civil matters.

We also seek candidates' support for changes in legislation to strengthen councils' and courts' powers to tackle illegal evictions. We need the national government to give councils responsibility, powers and resources to prevent illegal evictions and prosecute offenders, and strengthen the penalties to create a real deterrent.

Our Police and Crime Commissioner candidates' pledge

We would like to see all PCC candidates commit to protect the renters they represent.

Adopt these actions to end illegal evictions in their Police and Crime Plan:

- ✓ Ensure better training of police officers so they know when a renter is being illegally evicted
- ✓ Establish a plan of work with local councils to prevent illegal evictions, and
- ✓ Record and publish data on incidents between landlords and tenants

Join our End Illegal Evictions campaign to secure changes to the law.

What's the problem

Landlords who wish to evict someone must do so through the courts, serving a formal notice, obtaining a court order and having this enforced by court-appointed bailiffs.

Unfortunately, many landlords seek to bypass the legal route to repossession by changing the locks, cutting off utilities, harassing occupants or physically removing the tenant from the property. All of these actions are criminal offences, and tenants can be reimbursed rent by the landlord, among other penalties.

The issue has become more relevant since 2019. First, the government rightly committed to abolishing Section 21 evictions. Once enacted, landlords who have no valid grounds to evict their tenants will not be able to do so legally. Second, the moratorium on evictions imposed in response to the pandemic, and subsequently, the additional requirements placed on landlords seeking possession, means that more landlords have tried to bypass the legal process.¹

Police and councils have a responsibility to enforce the Protection from Eviction Act 1977 (PFEA), but we regularly hear that when police officers are called to attempted illegal evictions they either falsely tell the tenants that it is a civil matter, or even assist the landlord in performing the eviction by, for example, threatening the tenant with arrest.² There are also illegal evictions that take place when the tenant is not even aware of their rights so have no expectation of protection from the Police.

In 2019-20, 1,040 private renter households in England were made homeless as a result of an illegal eviction, according to government figures – however these don't count people who

did not seek help from the council, so the true number is unknown.³ Over the preceding three years, the Ministry of Justice recorded an average of just 24 prosecutions for unlawful eviction or harassment of an occupier per year in the whole of England.⁴

Nor is the scale of homelessness cases caused by illegal eviction reflected in Police records: in West Yorkshire, for example, there were 131 illegal evictions causing homelessness in 2019-20, but the police force recorded just seven offences in the same period.⁵

Although data on the victims of illegal eviction is limited, we know that non-white households are much more likely to be made homeless – one in four homeless households is Black, Asian or Minority Ethnic – so they are likely to be particularly vulnerable to illegal eviction.⁶

While many victims of illegal eviction won't know to call the Police, this is likely to be an underestimate of police involvement with cases of illegal eviction, given what we know anecdotally about how frequently matters are incorrectly considered to be civil, not criminal.

Police need to know what incidents are likely to involve an illegal eviction attempt and keep the tenant in their home. When it comes to enforcement, councils have the power to prosecute landlords and are often in a better position to do so given their responsibilities for enforcing other housing laws, such as safety standards.



24 illegal eviction and harassment cases per year were prosecuted on average in 2016-19.



1040 private renter households were made homeless as a result of an illegal eviction in 2019-20.

1. <https://www.theguardian.com/society/2020/aug/23/no-place-like-home-illegal-evictions-in-shadow-sector-soar-in-lockdown>

2. <https://landlordlawblog.co.uk/2018/04/05/police-collude-landlords-illegally-evict-tenants/>

3. <https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2019-20>

4. A summary of evidence is available here: https://www.generationrent.org/illegal_evictions_evidence21

5. Freedom of Information request available here https://www.generationrent.org/west_yorkshire_foi

6. https://england.shelter.org.uk/media/press_release/black_people_are_more_than_three_times_as_likely_to_experience_homelessness

What can be done?

Illegal evictions are only likely to increase in the coming months and years, and we believe the following measures – three in police forces' power and four requiring legislation – will ensure the Police and local authorities are equipped to enforce the Protection from Eviction Act and thereby keep tenants in their homes, bring criminal landlords to justice and deter landlords from attempting illegal evictions.

In Police's power:

- Training in the PFEA for all police officers, police community support officers and call handlers who work in a role that may involve attending incidents involving illegal eviction
- A published strategy by each Police Force for working with local authorities, including reference to enforcement of the PFEA
- Recording and publishing statistics of incidents between landlords and tenants, and whether these are treated as criminal or civil matters
- Police & Crime Commissioners can include these measures in their Police & Crime Plans which are developed and published after their election.

Police and Crime Commissioners can also support these measures which require legislation:

- A duty on local authorities to prosecute PFEA offences, which reflects their priorities, existing enforcement responsibilities and specialist knowledge of local authorities
- Enhanced powers of investigation for local authorities and commensurate resources to facilitate this work (amendment of section 235 of the Housing Act 2004)
- New sentencing guidelines to ensure landlords pay a heavy price for illegal eviction offences
- Powers for the council to charge the landlord for rehousing tenants or seize control of the property through an Interim Management Order

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Generation Rent's mission is that every home in the private rented sector is safe, secure and affordable.

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