

The Renters' Rights Bill (2024-25) and the need for protections against disrepair on Gypsy and Traveller sites

Introduction

Residents living on Gypsy and Traveller sites often experience poor living conditions, with inadequate mechanisms in place to hold landlords to account. The Renters' Rights Bill¹ (RRB) presents an opportunity to address this.

The Renters' Rights Bill most significantly abolishes assured shorthold tenancies and fixed term tenancies. It also introduces an extensive range of further measures designed to enhance the rights of tenants including:

- Applying the Decent Homes Standard to the private rented sector (what would be s. 101 RRA 2025, amending ss 1 - 2 Housing Act 2004)
- Extending Awaab's law to private rented sector tenancies.

Currently, these changes would not apply to buildings comprising essential living facilities on a pitch on a Gypsy or Traveller caravan site. These measures together with the Housing Health and Safety Rating System contained in part 1 of the Housing Act 2004 are important means of policing housing standards and there is no justification for not applying these regimes to buildings that Gypsy and Traveller households use as part of their home.

If amendments were made to the Renters' Rights Bill, gaps in the legislative frameworks can be addressed to ensure Gypsy and Traveller site residents have access to remedies in respect of sub-standard or hazardous conditions equivalent to the remedies that the Bill and Part 1 of the Housing Act 2004 make available to tenants living in sub-standard or hazardous brick-and-mortar housing.

Disrepair on Gypsy and Traveller sites

The July 2024 Traveller Caravan Count² reported that there were 16,970 caravans on privately owned Gypsy and Traveller sites (the number of pitches on private sites is not collated), and 6,441 caravans on socially provided sites (amounting to 4378 pitches). On these pitches, families may be renting the pitch and the mobile home separately.

Gypsy and Traveller communities experience stark inequalities across a range of social indicators and many Gypsy and Traveller sites (including site infrastructure, individual mobile homes, and utility blocks) are in a state of disrepair. The Office for National Statistics conducted research in 2022 with residents living on private and local authority sites. Residents reported issues such as fly-tipping, vermin infestation, proximity to environmental hazards, dampness and leaks in communal facilities and the general need for repair.

Research participants reported that local authorities often failed to deal with these issues in a timely manner^{3,4}.

¹ <https://bills.parliament.uk/publications/57759/documents/5623>

² <https://www.gov.uk/government/statistics/traveller-caravan-count-july-2024/count-of-traveller-caravans-july-2024-england>

³ <https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/gypsiesandtravellerslivedexperienceshomesenglandandwales/2022#living-conditions>

⁴ Based on 48 life history interviews with community members.

Gaps in existing legislation

While some protections exist against disrepair and health and safety standards for residents living on private and local authority Gypsy and Traveller sites, these are difficult to access and not fit for purpose – especially where site owners are failing to maintain their sites. For instance, statutorily implied terms in Chapter 4 of Schedule 1 to the Mobile Homes Act 1983⁵, places a duty on the owners of permanent residential Gypsy and Traveller sites to maintain access to electricity, sewerage, and gas, to repair the base on which the mobile home is stationed, to maintain and repair all communal areas and amenity blocks. However, for residents wanting to exercise their rights against site owners for failure to maintain the site, legal aid does not cover this type of case as it is dealt with at the First-tier Tribunal, and therefore not accessible to most residents, impeding access to justice. Furthermore, there are no ‘redress schemes’ (e.g., ombudsman schemes) that enable residents to escalate complaints of site disrepair where the site owner has failed to deal with the issues raised.

The Social Housing Regulation Act 2023 and the Renters’ Rights Bill 2024-25 build on existing protections for social and private tenants, providing updated and improved protections against disrepair and landlord failure to maintain dwellings. However, these both fail to include and build on protections for residents renting on local authority and private Gypsy and Traveller sites.

Amenity blocks are buildings and for cultural reasons provide essential living facilities that form part of the accommodation provided under a Mobile Homes Agreement, yet they fall outside the definition of a dwelling in section 1(5) of the Housing Act 2004. This inadvertently exempts them from the benefit of the Housing Health and Safety Rating System and falls outside the proposed definition of qualifying residential premises in the RRB so that the Decent Home Standard would not apply to these buildings either.

The Decent Homes Standard

Currently registered providers of social housing must ensure their homes meet the Decent Homes Standard (DHS), meaning the property must be free from dangerous (category 1) hazards, be in a reasonable state of repair, have reasonably modern facilities and services and provide a reasonable degree of thermal comfort. The RRB puts this on a statutory footing and extends it to the private sector.

The Housing Health and Safety Rating System

Part 1 of the Housing Act (HA) 2004 establishes the Housing Health and Safety Rating System (HHSRS) for assessing housing conditions. It imposes duties and powers on local housing authorities and equips them with a range of enforcement measures in relation to unhealthy housing in the private sector. The RRB extends the HHSRS to accommodation provided for the homeless under Pt 7 HA 1996.

Awaab’s Law

Awaab Ishak was a two-year-old child who tragically died on 21 December 2020 as a result of a severe respiratory condition due to prolonged exposure to mould in his home environment. The coroner found that the ‘Decent Home: Definition and Guidance for

⁵ <https://www.legislation.gov.uk/ukpga/1983/34/contents>

Implementation' did not give any consideration to the issue of damp and mould. The coroner also found that the HHSRS data sheet used to calculate risks of the incident and spread of harm identified in the Housing Act 2004, was not reflective of the current known risks of mould and harm to health and there was no evidence that the health risks associated with damp and mould were easily accessible. In response to Awaab Ishak's death and the tragedies of the 2017 Grenfell Tower fire, the Government introduced the Social Housing Regulation Act 2023, which received Royal Assent on 20 July 2023, which makes significant changes to the Housing and Regeneration Act 2008.

On 6 February 2025, the Government announced the three-stage phased approach to Awaab's law: from October, social landlords will be forced to investigate and fix dangerous damp and mould in set time periods (yet to be announced), as well as repair all emergency hazards within 24 hours. The second phase will be that in 2026, requirements will expand to apply to a wider range of hazards. In addition to damp and mould, the Government expects to extend Awaab's Law to include excess cold and excess heat; falls; structural collapse; fire, electrical and explosions; and hygiene hazards. Then in 2027, the requirements of Awaab's Law will expand to the remaining hazards as defined by the HHSRS (excluding overcrowding). The full list of hazards can be found in schedule 1 to the Housing Health and Safety Rating System (England) Regulations 2005.

The Renters' Rights Bill (RRB)

The main provisions in the RRB relating to the safety and quality of private housing are as follows, and to be inserted into the Housing Act 2004 (c101); the Landlord and Tenant Act 1985 (c62); and a new provision relating to the establishment of a landlord redress scheme:

- **Implementation of 'Awaab's Law':** will set clear legal expectations about the timeframes within which landlords must make homes safe where they contain serious hazards. This clause will allow requirements to be set in regulations specifying how landlords of privately rented accommodation must deal with hazards in their properties. The new section 63 of the RRB states:

"residential premises" has the same meaning as in section 1(4) of the Housing Act 2004 (but disregarding paragraph (e)(ii) of that subsection)."

The existing clause 64(4)(c) of the RRB which gives the Secretary of State power by regulations to amend the definition of a dwelling (to include any other structure, vehicle or vessel) is in Part 2 of the RRB and the proposed section 64 is specifically limited in its application to Part 2 of the RRB, which applies amongst other things, to landlord redress schemes and contains data base provisions which are altogether a different subject, so those regulations are not the vehicle for the required changes.

It is the Mobile Homes Act 1983 as amended, not the Landlord and Tenant Act that applies to Gypsy and Traveller sites and no proposal is made to change the L&T legislation so that it applies to pitches already independently covered by the MHA. Existing clause 63(2) of the RRB cross refers to the amendments to the definition to 'residential premises' made by clause 101, which our proposed amendments are directed to.

Importantly, it is section 1 of the Housing Act 2004 which holds the key to which premises all the different regimes described above apply to.

The RRB is already making changes to that section, so this is the occasion to use the changes presently being made by the RRB in order to include amenity blocks within s.1 of the HA 2004.

- **Implementation of the Decent Homes Standard across private housing:** will allow the implementation of the DHS across the private rented sector setting minimum standards of safety and decency. It will be legally binding and enforced through local authorities.

The RRB provides an opportunity to increase protections for residents living on privately owned Gypsy and Traveller sites. However, under the RRB, the definition of a 'dwelling' excludes caravans/mobile homes:

"...to be considered as a "residential landlord," a relevant tenancy must relate to a "dwelling," being any building or part of a building occupied or intended to be occupied as a separate home. This excludes non-buildings like caravans, tents, houseboats, and park homes which do not fit this definition.⁶"

This presents a policy vacuum in which Gypsy and Traveller site residents living in poor conditions are not afforded equal access to measures which should ensure access to decent living conditions. The legislation should adequately protect the rights of Gypsies and Travellers living on sites to protect against widespread problems of hazardous amenity blocks containing toilet bathroom and kitchen facilities so used for hygiene sanitation and cooking to which the above housing standards should be expected to apply.

Summary

The RRB presents a key opportunity to legislate so that Part 1 of the Housing Act 2004, Awaab's Law and the Decent Homes Standard applies equally to rented pitches providing a different form of culturally appropriate housing for Gypsies and Travellers.

To ensure Gypsies and Travellers living on sites are afforded the same protections against poor living conditions as residents renting bricks and mortar housing, amendments must be made to the RRB. There is a powerful case to be made for amenity blocks comprising essential living facilities for minority ethnic groups, also getting the benefit of these different regimes.

The present gap in the legislative framework could be remedied by the RRB making amendments to both the meaning of 'dwelling' and to the meaning of 'qualifying residential premises' so that Part 1 of the Housing Act 2004 including the Decent Homes Standard and Awaab's law can apply to such amenity blocks.

⁶ <https://publications.parliament.uk/pa/bills/cbill/59-01/0008/en/240008en.pdf>.