

House of Lords Committee Stage briefing: The Renters' Rights Bill (2024-25) and the need for protections against disrepair on Gypsy and Traveller sites

Amendments

Amendment 252: BARONESS WHITAKER, LORD BOURNE OF ABERYSTWYTH, BARONESS BAKEWELL OF HARDINGTON MANDEVILLE, LORD BISHOP OF MANCHESTER

Clause 101, page 130, line 26, at end insert—

“(f) a mobile home which is rented to a tenant by the owner of the mobile home for residential purposes.”

Member's explanatory statement: *This amendment seeks to extend the application of the Decent Homes Standard to mobile homes which are rented for residential purposes.*

Amendment 206B, BARONESS WHITAKER LORD BOURNE OF ABERYSTWYTH

After Clause 63, insert the following new Clause—

“Payments in respect of residents of mobile homes living on sites to be classified as rent
The rights set out in Part 1 of this Act extend to any individual—

- (a) for whom a mobile home is their only home, and
- (b) who is liable to pay a fee in respect of the site on which the mobile home stands.”

Member's explanatory statement: *This amendment seeks to ensure that the rights in Part 1 of the Bill extend to individuals for whom a mobile home is their only home and who pay a mobile home site fee.*

Amendment 275A: BARONESS WHITAKER, LORD BOURNE OF ABERYSTWYTH

After Clause 136, insert the following new Clause—

“Review of the implications of this Act on amenities available on Gypsy and Traveller sites

- (1) The Secretary of State must lay before Parliament a review of the implications of the provisions of this Act on amenities available to residents of Gypsy and Traveller sites.
- (2) The review under subsection (1) must include an assessment of the implications of not extending protections under this Act to residents of Gypsy and Traveller sites.”

Member's explanatory statement: *This amendment requires the Secretary of State to examine and report on the implications this Act on amenities available to residents at Gypsy and Traveller sites; and the implications of not extending protections under this Act to residents of Gypsy and Traveller sites.*

Overview

A ‘home’ for Gypsy and Traveller site residents usually comprises: a mobile home, a pitch on which to station the mobile home (with access to electricity and water supply), and a separate ‘dayroom’ structure which also sits on the individual pitch and contains essential living facilities, i.e. kitchen, bathroom, and toilet. Sometimes, all these components of the

home are rented from the same landlord, but more frequently the mobile home is rented from a separate landlord - a mobile home company.

Residents living on Gypsy and Traveller sites often experience poor living conditions, with inadequate mechanisms in place to hold landlords to account, especially on the maintenance of the essential living facilities. The Renters' Rights Bill¹ (RRB) presents a vital 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, or the caravan/mobile home situated 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. There is no justification for not applying these regimes to the buildings Gypsy and Traveller households use as part of their home, or the mobile home, when rented from a landlord.

These proposed amendments to the Bill would work toward closing gaps in the legislative frameworks, to ensure Gypsy and Traveller site residents have access to remedies in respect of sub-standard or hazardous conditions, equivalent to those which the Bill and Part 1 of the Housing Act 2004 make available to tenants living in sub-standard or hazardous brick-and-mortar housing. There is no apparent justification for this differential treatment of tenants whose homes are rented.

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, mobile homes, and utility blocks/dayrooms) are in a state of disrepair. The Office for National Statistics conducted research in 2022 with residents living on private and local authority sites, who reported issues such as fly-tipping, vermin infestation, proximity to environmental hazards, dampness and leaks and the general need for repair. Research participants reported that landlords 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 often difficult to access, and not fit for purpose – especially where site owners are failing to maintain sites. For instance, the terms specified in Chapter 4 of Schedule 1 of the Mobile Homes Act 1983⁵ concerning repair must be incorporated into the agreements for the occupation of pitches. These terms place 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, and 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. This impedes access to justice for site residents.

Equally, the Housing Ombudsman is not a viable redress scheme for Gypsy and Traveller site residents as the Housing Ombudsman do not consider the management of Gypsy and Traveller sites to be part of a local authority's role as a landlord of social housing, so do not take cases of disrepair on Gypsy and Traveller sites. Alternatively, these can be enforced in counterclaims when the owner seeks possession on a rent arrears claim, but the extent of protection is not equally available to similar tenants of bricks and mortar accommodation.

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 to build on, protections for residents renting on local authority and private Gypsy and Traveller sites.

Amenity blocks are buildings, and for cultural reasons, they 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 protection of the Housing Health and Safety Rating System, and also falls outside the proposed definition of qualifying residential premises in the RRB, so that the Decent Home Standard would not apply.

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 places 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.

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

Awaab's Law

In response to the tragic death of two-year-old Awaab Ishak, who died on 21 December 2020 due to prolonged exposure to mould in his home environment, and to the tragedies of the 2017 Grenfell Tower fire, the Government introduced the Social Housing Regulation Act 2023. This made significant changes to the Housing and Regeneration Act 2008.

On 6 February 2025⁶, the Government announced the three-stage phased approach to Awaab's law: from October 2025, 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. The Government expects to extend Awaab's Law beyond damp and mould hazards, 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).⁷

The Renters' Rights Bill (RRB)

The main provisions in the RRB relating to the safety and quality of private housing are as follows, and should be inserted into the Housing Act 2004 (c101); the Landlord and Tenant Act 1985 (c62); with 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. 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 database provisions which are altogether a different subject, meaning 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, which applies to Gypsy and Traveller sites. 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.

⁶ <https://www.gov.uk/government/news/awaabs-law-to-force-landlords-to-fix-dangerous-homes>.

⁷ The full list of hazards can be found in schedule 1 to the [Housing Health and Safety Rating System \(England\) Regulations](#).

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, to include amenity blocks within s.1 of the HA 2004.

- **Implementation of the Decent Homes Standard across private housing:** This 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 a crucial opportunity to increase protections for residents on Gypsy and Traveller sites living in mobile homes. 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."⁸

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/dayrooms (which form essential parts of the home, containing bathroom and kitchen facilities) and to the mobile home itself, 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 apply equally to rented pitches and mobile homes for Gypsies and Travellers.

Without amending the RRB, the gaps in the legislative framework will continue to stifle recourse to justice and the enjoyment of healthy living environments for Gypsy and Traveller site residents.

Amendments 206B, 252, and 275A seek to close the disparity in treatment, with amendment 275A requiring further investigation and work to ensure Gypsy and Traveller site residents are equally protected against poor living conditions.

⁸ <https://publications.parliament.uk/pa/bills/cbill/59-01/0008/en/240008en.pdf>.