

SPECIAL Renters (Reform) Bill Survey

Lettings professionals' hopes and fears regarding the Bill's key provisions

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Introduction



Neil Cobbold Managing Director, PayProp UK

neil.cobbold@payprop.co.uk

After years of pledges to reform the private rented sector we now have a Bill before Parliament that outlines the government's vision for the sector in England. While tenant lobby groups and landlord representatives have been vocal about the wide-ranging impact of these reforms, one group that will be significantly affected by the changes has yet to be comprehensively consulted – lettings professionals.

PayProp's latest survey of lettings professionals in England sought to gather their thoughts for the benefit of politicians who will help determine the final form of the Renters (Reform) Bill as it passes through Parliament.

In this report, we present and analyse their perspectives on changes to evictions, tenancies, rents, landlords and more, to help those in power fully understand the potential consequences of the reforms and their many potential alternatives, some of which are detailed in our report. After all, every lettings professional stands to benefit from a fair, sustainable, secure and higher-quality private rented sector for all.

I hope you find the report insightful, and if you did not contribute to our survey, don't miss the opportunity to share your thoughts on the Renters (Reform) Bill with your local MP. Together, we can help assure the future of the industry!

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Reform) Bill?

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What is the Renters (Reform) Bill?

During the previous general election in 2019, all mainstream parties from across the political spectrum promised private rented sector (PRS) reform, which has become a cornerstone of housing supply amid unfavourable buying conditions and depleting social stock. With the Conservatives ultimately winning the election, their popular pledges to abolish 'no fault' evictions, protect tenants from revenge evictions and

rogue landlords, and strengthen the rights of good landlords to gain possession, became government policy.

Then, in 2022, the government published its "A fairer private rented sector" white paper, which included many of the measures we see today in the Renters (Reform) Bill that was finally presented to Parliament on 17 May 2023.

The government is also looking to 'digitise' the court process to reduce waiting times for court dates; to apply the Decent Homes Standard to homes in the PRS (and not just social housing); to strengthen local authority enforcement powers; and to outlaw in primary legislation blanket bans by landlords or agents on tenants with children, or those in receipt of benefits.



These changes add up to the biggest reform of the English PRS in decades and have proven controversial with property professionals.

While some in the industry reportedly see the intended benefits, others are not convinced.

The question remains whether the measures outlined above are the best way, or indeed enough, to ensure a fairer, more secure and higher quality private rented sector for tenants, landlords and letting agents. This is what PayProp's survey set out to answer.

The Bill contains seven key measures, with more to be added as it progresses through Parliament:

1	Removing Section 21 'no fault' 5	Establishing a new Private Rented Sector Ombudsman to provide binding resolutions in tenant/landlord disputes
2	Converting the majority of PRS tenancies from assured shorthold tenancies (ASTs) to periodic tenancies	Creating a new Privately Rented Property Portal that landlords must register with and where they must prove compliance with laws that govern the PRS
3	Introducing additional grounds for possession under Section 8, including repeated rent arrears	Giving tenants the legal right to request to keep a pet and obliging landlords to consider and not "unreasonably" refuse that request
4	Allowing tenants to appeal rent increases at a first-tier tribunal, with the court able to either raise or lower the rent based on market rents	



Who did we survey?

We surveyed a diverse range of lettings professionals, from agents and owners to administrators, as they are at the coalface of the PRS. Their responsibilities include advertising properties, placing tenants, managing rental homes and helping to ensure compliance with the hundreds of rules and regulations that govern the PRS. Most importantly, they are essential to maintaining a smooth tenant/landlord relationship.

Which of the following best describes your position in the property industry?

52.2%

I am a letting agent

40.7%

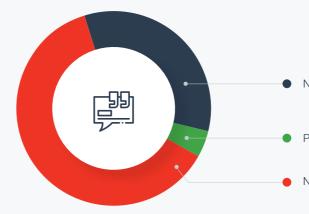
I am an estate agency owner/business partner 7.1%

I work in lettings administration



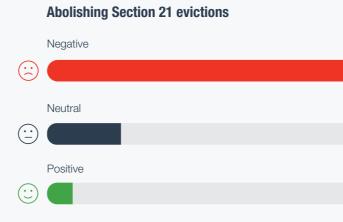
What opinions are shared by this diverse group of lettings professionals?

What is your overall opinion of the Renters (Reform

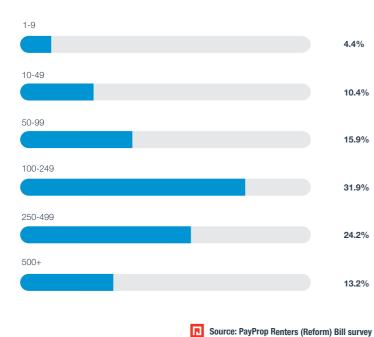


Over 62% of survey respondents were opposed to the Bill in its current first draft. However, it is important to note that, as the Bill is still in the early stage of the parliamentary process, MPs have not had a chance to scrutinise it and suggest changes.

We also gauged respondents' views on some of the most prominent measures contained within the Bill.







I)	Bill p	presented	to	Parliament on	17	May	2023?
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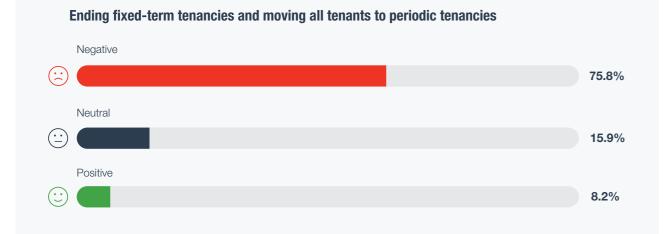
Neutral - 33.5%

Positive - 4.4%

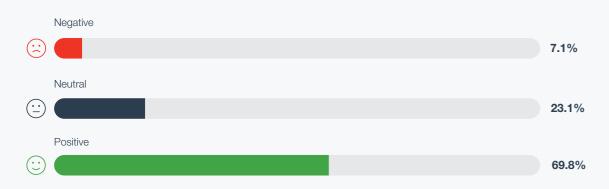
Negative - 62.1%

Source: PayProp Renters (Reform) Bill survey

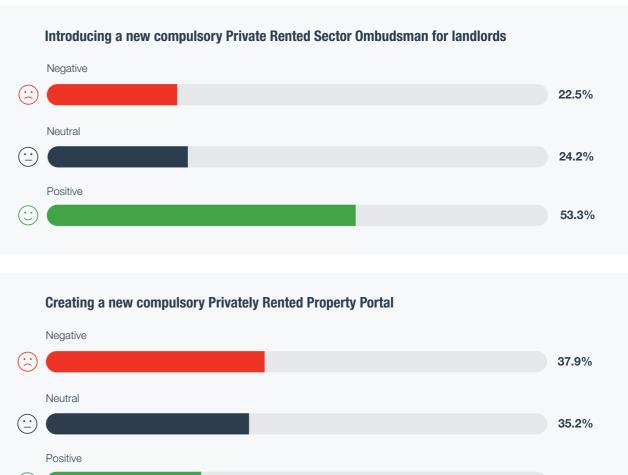
	78.5%
	15.9%
	5.5%
Source: PayProp Renters (Refe	orm) Bill survey



Creating more comprehensive grounds for Section 8 evictions











The majority of respondents expressed negative feelings about the abolition of Section 21, the move to periodic tenancies and the right to request a pet in rental properties. They were, however, in favour of creating more comprehensive grounds for Section 8 evictions and introducing a new compulsory Private Rented Sector Ombudsman for landlords.

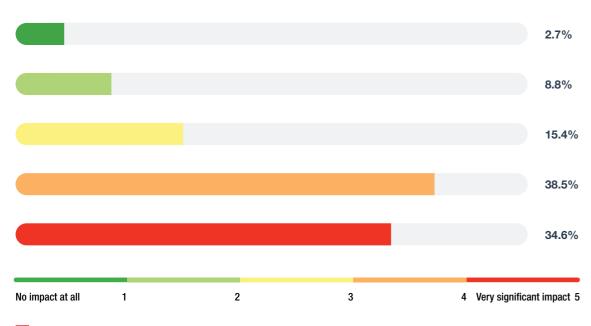
We examine these issues further along in the report.

Impact on agencies

Over 73% of property professionals are concerned the Bill will have a significant impact on their business if passed in its current form. This feeling is borne out by the government's <u>Renters (Reform) Bill Impact Assessment</u>, which outlines the measures in the Bill, their estimated effects and any associated costs. This report predicts letting agencies stand to lose £278.7m over 10 years due to fewer tenants moving.

But as we'll see, the Bill could also create profitable new opportunities for letting agencies.

How much of an impact do you think the Renters (Reform) Bill will have on your business?



Source: PayProp Renters (Reform) Bill survey



We also asked those surveyed to rank the provisions of the Renters (Reform) Bill in descending order of their business impact. Unsurprisingly, the changes to evictions and tenancies take first and second place.

Rank the following parts of the Renters (Reform) Bill in descending order of their impact on your business: (The percentage represents the agents that chose the option as one of their top 3)



Source: PayProp Renters (Reform) Bill survey

What *is* surprising in this list is the relatively low expected impact on agencies of the Privately Rented Property Portal, both positive and negative.

The government's Impact Assessment states that registration and renewal of landlord accounts on the portal could be a new source of income for agents.

On the other hand, agents won't be able to market a property for a landlord unless the landlord is on the portal, but either way, agents do not seem to have considered the impact on their business. The relative lack of clarity in the proposal for the portal makes it likely that agents are waiting to see what form it will take before assessing its impact.





Giving tenants the right to request to keep a pet, which may not be unreasonably refused

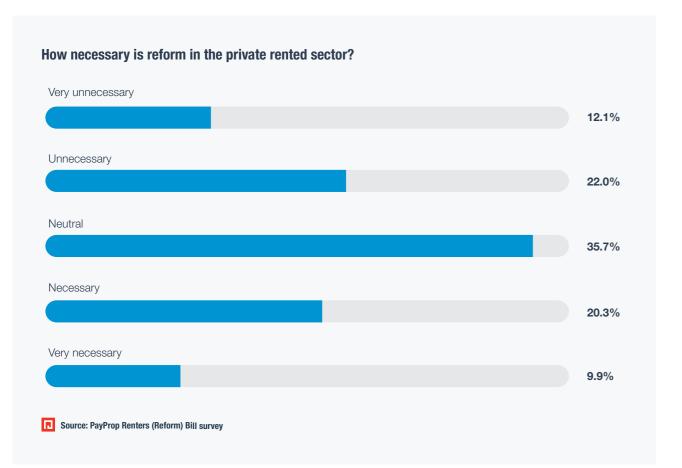
Introducing a new compulsory Private Rented Sector Ombudsman for landlords

We also asked survey respondents to describe the overall impact on their business in a freeform answer, and can summarise the most common response as follows:

On the agency side, there are worries over the increased workload to comply with the new rules, the cost of training staff to get to grips with the new regulations, and a loss of income from fees associated with tenants moving. Across all roles within the PRS, agents are worried that more landlords will sell their buy-to-let properties, thereby restricting tenant choice and driving up prices.

The need for reform

While politicians from all sides are convinced that reform of the PRS is needed, lettings professionals are split, with the biggest percentage (35.7%) being neutral on the issue.



ADEQUATE ENFORCEMENT NEEDED

One issue that may be worrying lettings professionals is the frequent criticism of the government's introduction of new laws without making adequate provision for their enforcement. This has not been lost on lawmakers.

According to research commissioned by the Department for enforcement seen in the industry.) Levelling Up, Housing and Communities (DLUHC), published in 2021, there are "pockets of good practice" across the Against that backdrop, what confidence do lettings country but "challenges appear to leave many enforcement professionals have that the new measures contained in the teams operating a reactive, rather than proactive service that Renters (Reform) Bill will be effectively enforced? is narrowly focused on fulfilling statutory duties".





It will come as no surprise that more than half of the lettings professionals surveyed feel that the new measures will not be properly enforced.

Among others, the DLUHC report concludes that a "lack of comprehensive data and knowledge about the private rented sector is hampering efforts to identify poor conditions and rogue landlords, drains valuable capacity that could otherwise be spent enforcing, and leaves authorities unable to evaluate the effectiveness of their actions and approaches. A mandatory register of all landlords would go some way to filling this data gap." (This register forms part of the Privately Rented Property Portal created by the Renters (Reform) Bill, which could help increase the levels of

This could allow rogue letting agents and landlords to continue to operate in the PRS, ignoring important compliance measures and undercutting legitimate landlords and businesses.

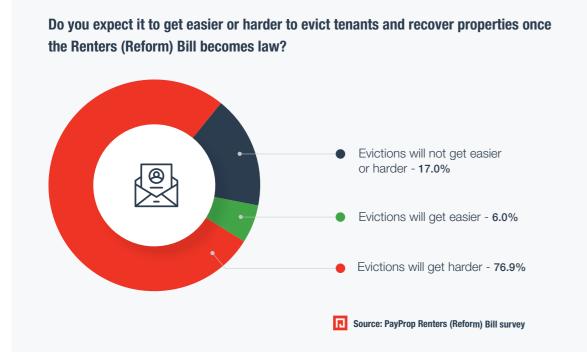
To build confidence in the new regulations, it will be crucial that current and new regulations will be enforced - both to ensure compliance and to create a fairer, more secure and higher quality private rented sector.

Evictions

According to our survey, agents' biggest concern is the removal of Section 21 'no fault' evictions. In this section we will see why agents use Section 21, what alternatives they have and how unlocking court capacity will be key to building landlord and agent confidence in the PRS.

According to 76.9% of lettings professionals surveyed, it will become harder to evict tenants once the Renters (Reform) Bill becomes law.

The implication is that this is solely down to the removal of Section 21, which currently allows tenants to be evicted without stating why. In the vast majority of cases, Section 21 allows landlords to avoid the time and expense of going to court.



But are harder evictions necessarily a bad thing for agents?

If the Renters (Reform) Bill is enacted, all evictions will take place under Section 8, which will require a landlord to go to court and provide evidence for the eviction. By using a letting agent, landlords will have a property professional in their corner, who is able and equipped to gather the necessary evidence for a successful eviction.

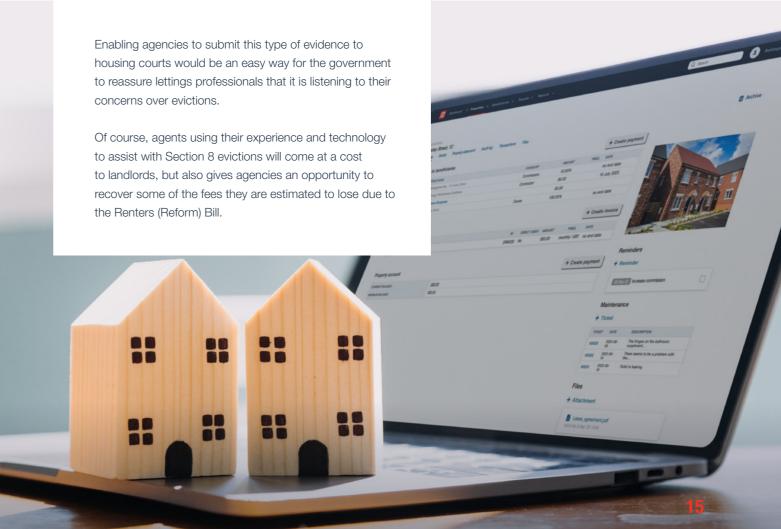
If you could submit verified third-party data from the lettings software platforms you use as evidence in Section 8 eviction cases (for example, a record of payments made), would you feel more confident about the eviction process?



Source: PayProp Renters (Reform) Bill survey

Enabling agencies to submit this type of evidence to concerns over evictions.

to assist with Section 8 evictions will come at a cost to landlords, but also gives agencies an opportunity to the Renters (Reform) Bill.



Letting agencies can leverage their various PropTech systems to help with any evidence gathering. In fact, over half (52.7%) of those surveyed would be more confident about the eviction process if courts would accept verified data from authorised digital platforms.



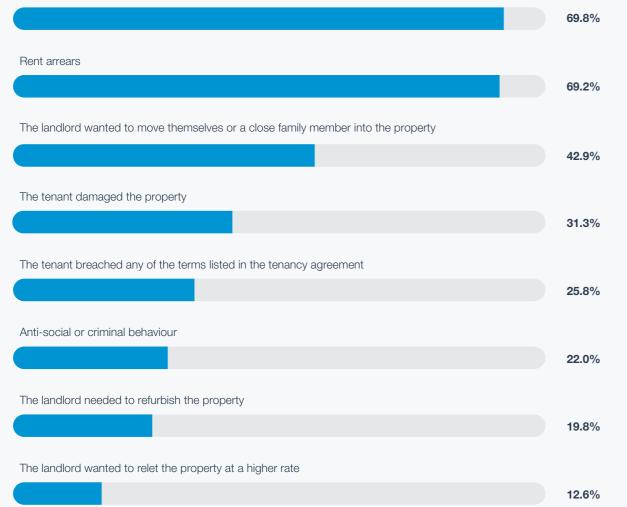


CURRENT PROCESSES

To see how removing Section 21 will impact agents, we asked them which process they currently use when assisting landlords with an eviction, and why, if applicable, they used a Section 21 eviction notice.

What are the most common reasons you/your agency has issued a Section 21 notice to a tenant in the past 12 months? (Respondents could choose up to five options)

The landlord wanted to sell the property



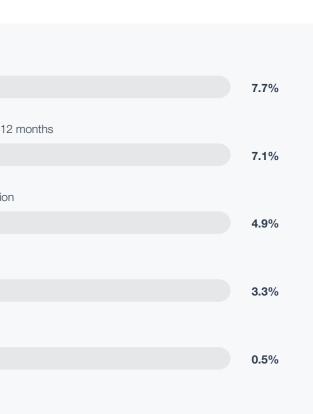
The tenant sublet the property
Not applicable: we have not evicted any tenants in the past 1
The tenant or any of their references provided false information
Other
The landlord defaulted on their mortgage
Source: PavProp Renters (Reform) Bill survey



Firstly, most of the reasons given for initiating Section 21 removals are mandatory grounds for eviction under Section 8 such as the landlord wanting to move themselves or a close family member into a property. If these cases had followed the Section 8 process, and the landlords or agent could provide evidence, the court would have had to grant an eviction.

Secondly, the most common reason involved landlords looking to sell the property, which is borne out by <u>media reports</u> about landlords' reasons for leaving the PRS.

And finally, only 12.6% of evictions are due to landlords looking to relet the property at a higher rate, reinforcing the notion that a landlord would rather have a good tenant that reliably pays the rent and looks after the property than chase the maximum yield.

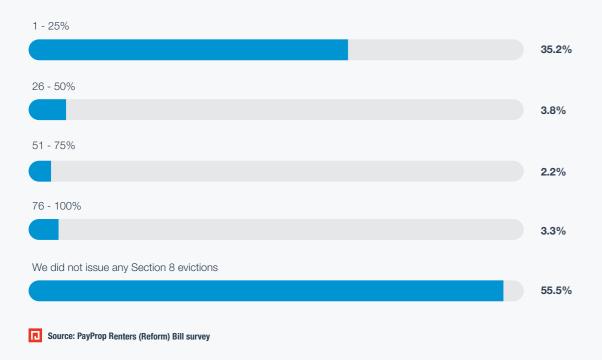




SECTION 8

What about those agencies that use the Section 8 process?

Of the evictions your agency handled in the past 12 months, what percentage went through the Section 8 process?



Over the past year, most agents did not use a Section 8 eviction.

Of those that did, only a small percentage (3.3%) used it between 76% and 100% of the time. From the reasons respondents gave for issuing a Section 21 eviction notice, we know that most of those evictions could have taken place using Section 8.



We also asked respondents to rank concerns they have over the Section 8 process.

Please rank the following concerns about the Section 8 process from most important to least important: (The percentage represents the agents that chose the option as one of their top 3)



Source: PayProp Renters (Reform) Bill survey

A major worry for **59.3% of respondents is that they** would not have been able to evict a tenant with Section 8. However, new mandatory grounds for eviction introduced by the Renters (Reform) Bill, such as persistent arrears, may help.

By far the biggest concern with Section 8 is the time it takes to secure a Section 8 eviction. However, with only 55.5% of agents following the Section 8 process over the past 12 months - how much of this worry is based on experience?

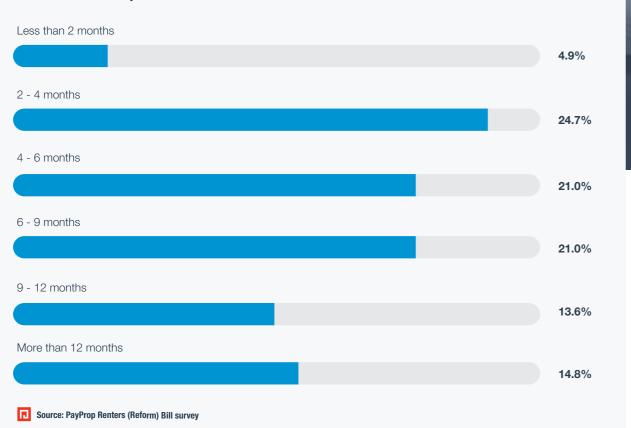


Judges are too reluctant to grant possession in Section 8 cases

To test this, we asked those who did use a Section 8 eviction how long it took. While media reports are suggesting court delays are at their worst in 30 years, the answers show that not everyone is experiencing long recovery times with Section 8 evictions.



How long do you/your landlords typically take to recover their property when evicting a tenant under the Section 8 process?



How can we account for these unexpected results? Nearly 5% of agents recovered their landlord's property in less than two months, but is it possible the tenant left after being served a Section 8 notice, rather than disputing the eviction in court? Will this trend continue? It is doubtful – as of August 2023, the government provides all tenants in England with free legal advice and representation through the Housing Loss Prevention Advice Service.

While the majority of survey respondents (45.7%) report waiting 2 - 6 months to recover a property, 13.6% wait 9 - 12 months and 14.8% more than a year. Note, however, that we are not just assessing time spent waiting for a court date and a decision, but how long it takes to recover the property in total.

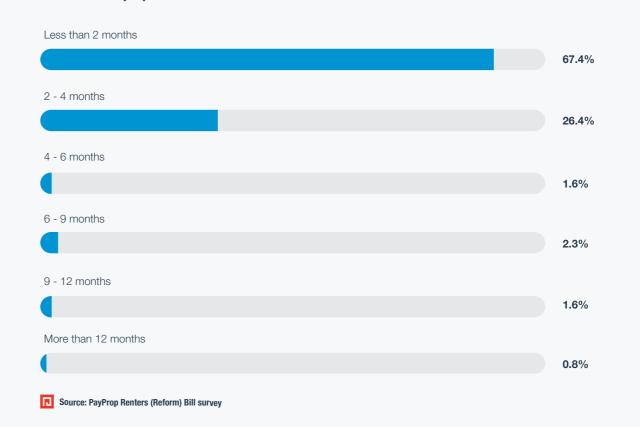
In some cases, a landlord has been granted a possession order but the tenant refuses to move out, meaning the agent or landlord will have to wait for a county court bailiff to enforce the possession order and remove the tenant.

According to <u>stats</u> from the Ministry of Justice, landlords wait on average more than five months, from claim to repossession. As can be expected, waiting times vary depending on local court capacity.

COURT CAPACITY IS KEY

How will the removal of Section 21 affect court waiting times? Industry association Propertymark <u>estimates</u> that a third of all possession cases are initiated through Section 21, which bypasses the court in most cases. Adding this case load to an already overloaded court system can only make wait times worse. This could lead to more landlords reconsidering their place in the private rented sector and

How quick would the Section 8 eviction process need to be for you to feel confident that you could recover properties when needed?



A faster eviction process would contribute to landlord and agent confidence that they could recover a property and minimise landlord losses if a tenant breaches their tenancy terms. As things stand, however, the government is a long way from hitting that ambitious less-than-two-month target set by agents.

While legislators have <u>pledged</u> to "align the abolition of Section 21 and new possession grounds with court improvements", including digitising the court process, it's taking their properties with them, if they can't be sure of recovering them within a reasonable time.

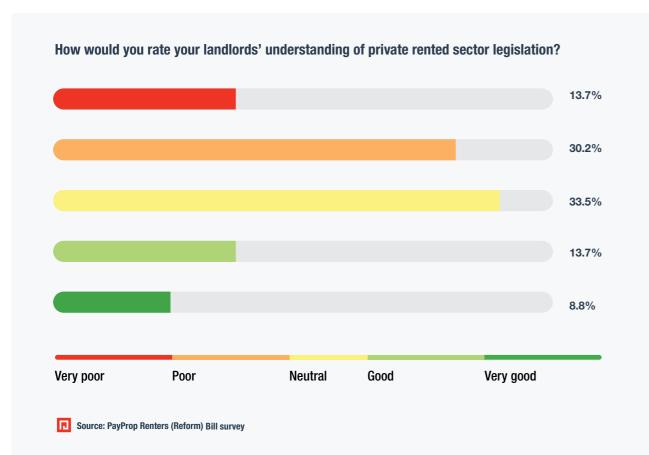
Currently, 90.1% of those we surveyed think the time it takes to get a court date is unreasonable. Most agents want to see the Section 8 eviction process dramatically sped up so that it can be resolved in less than two months.

unclear if DLUHC is aiming for a reduction in court waiting times before they go ahead, but that may be a necessity. To ensure the removal of Section 21 does not have negative repercussions, it will be key to resolve the current court backlog before abolition and to ensure the delays do not reappear once it has been removed. Delays with getting court dates cause tenants stress and anxiety and create uncertainty among landlords.

Landlords

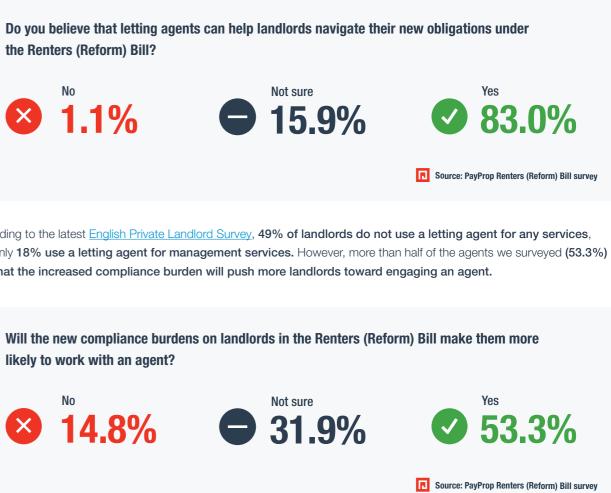
The Renters (Reform) Bill will have a large impact on landlords across England, but how aware are landlords of their current obligations?

KNOWLEDGE IS POWER



According to 44% of the lettings professionals we surveyed, landlords have a poor or very poor understanding of the regulations that govern the PRS. Less than a quarter of agents (22.5%) rate landlords as having a good understanding. While this may shock some, it is encouraging that landlords with a poor understanding of PRS regulations are seeking professional help from letting agents.

Our survey shows that 83% of agents surveyed are confident that whatever form the Renters (Reform) Bill takes when it becomes law, they will be able to help landlords with compliance.



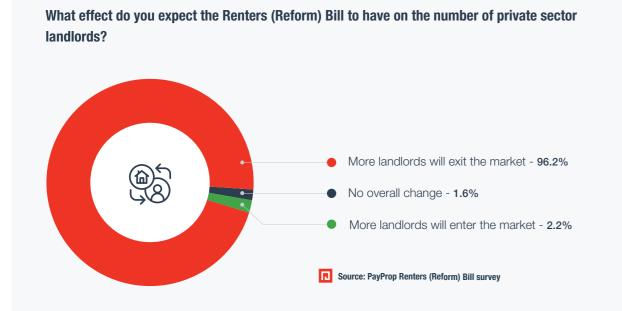


Given that all evictions will have to take place using the Section 8 eviction process, landlords may be keen to use an agent for management services, to ensure accurate records are kept and support is available if an eviction becomes necessary.

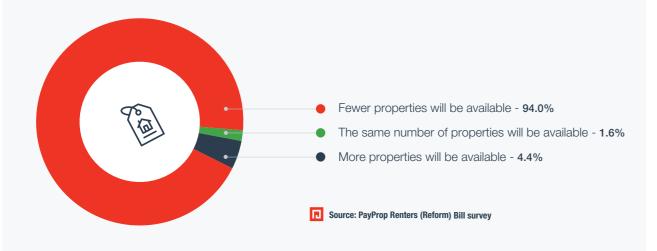


AN ENDANGERED FORM OF HOUSING?

What cumulative effects do agents think these reforms will have on the number of landlords and properties in England's PRS?



What effect do you expect the Renters (Reform) Bill to have on the availability of properties to rent?





from <u>HMRC</u> estimating 153,000 buy-to-let properties were sold in 2021-22. It is important to note that the data does not show why the properties were sold, and if they were bought by another landlord or owner-occupier.

While the Scottish example may be encouraging, landlords in England today are facing some of the highest mortgage costs Looking north of the border, official statistics point to the potential in living memory, so we may not see this kind of recovery until future impact of the Renters (Reform) Bill. In Scotland, openmortgages become more affordable and rental yields become ended tenancies were introduced as far back as December more attractive. 2017, ending 'no fault' evictions. Housing stats do show a slight drop in the number of PRS properties available (a reduction of

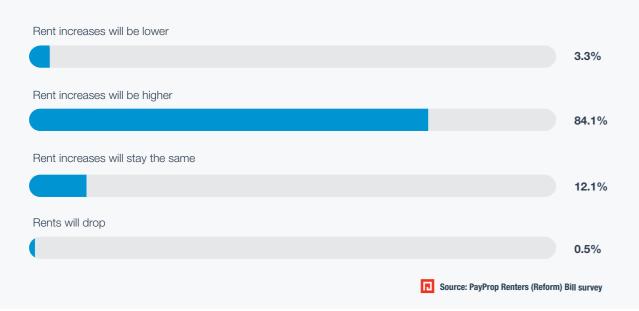
This predicted sell-off appears to be happening already, with data 22,000 PRS properties), but in less than three years the number of properties had recovered and exceeded the number before the reforms were introduced.

Rents

With fewer landlords and properties predicted, what will happen to rents?

Across the UK, HomeLet estimates that, as at July 2023, rents have increased by 10.3% annually. With respondents predicting fewer properties will be available to rent, 84.1% of those surveyed expect rent increases to get even higher.

What effect do you expect the Renters (Reform) Bill to have on rents?



CHALLENGING RENTS

The Renters (Reform) Bill won't just have an impact on rental prices, it will also affect how rent increases are approached. Currently, most tenancies are assured shorthold tenancies (ASTs) for a fixed term. Under ASTs, outside of the protected period rents can be increased at any point if the tenant agrees to it. An AST may also include a rent review clause, which tells the tenant how and when rent will be increased.

These clauses usually only apply if the tenancy continues as a periodic tenancy once the fixed term ends, or during a tenancy with a fixed term of over a year.

According to our survey, 65.9% of agents typically include rent review clauses in the tenancies they offer.

At the moment, do you typically include rent review clauses in tenancy agreements?



For tenants on a periodic tenancy, a landlord also has the option of serving a Section 13 notice once a year if there is no rent review clause. If a tenant does not think the rent increase is fair, they can challenge it at the first-tier tribunal, but landlords have the option to evict them using a Section 21 notice.

The Renters (Reform) Bill changes the rent increase process in a number of ways. As the vast majority of tenancies will become periodic, the only way to increase a tenant's rent will be to give two months' notice of a rent increase using a Section 13 notice, which can be challenged in a tribunal before the rent increase is due to take effect.

If the tribunal feels the rent increase is above market rates, they can reduce the amount of rent the tenant needs to pay. However, the tribunal can also put rent up if they feel the increase is below market rents.



COURT ALTERNATIVES

With a strained court system having to rule on more eviction cases if the Renters (Reform) Bill becomes law, adding more rent review cases to the court backlog may further delay essential hearings. As an alternative, the Private Rented Sector Ombudsman could handle rent disputes, but agents are split with 42.9% of agents supporting it, while a third are unsure. Only 20.3% think this is the wrong move.

Under the Renters (Reform) Bill, housing tribunals will handle appeals against above-market rent increases. Should rent disputes be referred to the new Private Rented Sector Ombudsman instead?





This could potentially stop tenants using rent review cases as delaying tactics to avoid higher rents.

For those reasons, we asked agents if they expect landlords to be able to raise rents sufficiently to cover their costs. While 50.5% said yes, a significant 26.9% do not think that the rent increases likely to be approved by the tribunal will be enough to cover landlord costs, potentially putting further strain on PRS housing supply.

Reports from Savills suggest landlord profits are at their lowest for 15 years, leaving leveraged landlords in a difficult position if rents cannot go up to cover costs. Some landlords are already under pressure, with UK Finance reporting that over 6,000 buy-to-let mortgages were already in arrears in March 2023, a 5% increase on the figures in 2022.





Source: PayProp Renters (Reform) Bill survey

Compliance and redress

As we have already discussed, one of the issues local authorities have to deal with in enforcing PRS regulations is non-reporting of non-compliant landlords and properties. That is now being addressed with the compulsory Privately Rented Property Portal.

The good news for agents is that they can help. The government's Impact Assessment confirms agents will be able to register landlords on the new portal, and our survey shows that more than 85% of agents are keen to manage this process on behalf of their landlords, potentially enabling them to charge for value-added compliance-assistive services.

The introduction of the Privately Rented Property Portal will impose new regulatory burdens on landlords. Should agents be able to carry out compliance tasks on the Property Portal on behalf of their landlords to help them stay compliant?

⊗ 4.9%





Source: PayProp Renters (Reform) Bill survey

The new portal could involve a lot of manual data entry, especially initially, when every landlord in England needs to be registered, but agents are keen to use a technical solution to expedite this. More than 70% of agents want to use their existing PropTech platforms to upload proof of landlord compliance directly to the portal. This would dramatically cut the workload for tech-savvy agents and represent significant value-add. One possible unforeseen consequence of the portal and ombudsman is the increased costs to landlords, who will need to pay for both services. While 39.6% of those surveyed are unsure if this will leave them less likely to use letting agents, 38.5% are quite sure it will.

Will the cost of membership to the new compulsory Privately Rented Property Portal and the Private Rented Sector Ombudsman, proposed in the Renters (Reform) Bill, make landlords less likely to pay for an agent to manage their rental properties?







Source: PayProp Renters (Reform) Bill survey

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≡	~	
Other income 2,880.00	THIS MONTH	
Other income 3,450.00	LAST MONTH	
Commission 12,217.92 10%	THIS MONTH	
Commission 11,300.00	LAST MONTH	
H		

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AVOIDING CONFUSION

While the new measures aimed at improving standards in the PRS are most welcome, there's a concern that the Private Rented Sector Ombudsman will create confusion for tenants and add costs for landlords who use letting agencies to manage their property. For example, landlords who use letting agents will still have to sign up to the new ombudsman, despite the agency already being part of a property ombudsman, meaning tenants that have an issue with their property and are unsure if it is the fault of the landlord or letting agent would need to navigate multiple concurrent ombudsman schemes to achieve a resolution.

Under the Renters (Reform) Bill, landlords will have to register with and pay for the new Private Rented Sector Ombudsman scheme, whether or not they work with a letting agent. Should landlords who work with an agent be allowed to use their agency's redress scheme instead?



Source: PayProp Renters (Reform) Bill survey

Instead of running concurrent ombudsman services, the majority of agents (81.9%) think that landlords should use the agent's redress scheme to resolve all tenant, landlord and agency disputes. This would make it easier for tenants to seek redress in all cases.

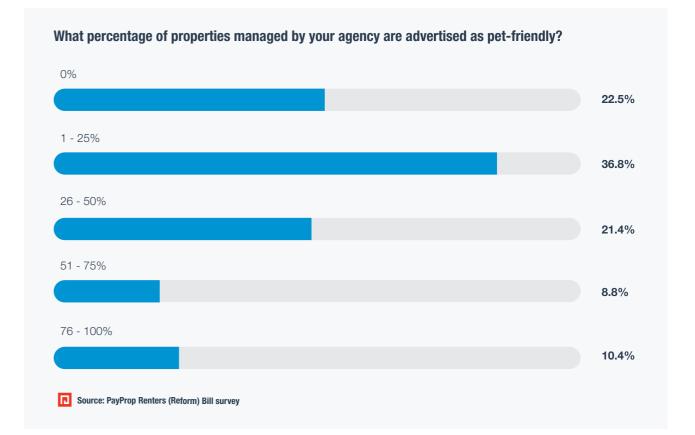
While the government initially dismissed the idea of a single ombudsman, as it "would involve significant legal and practical challenges", Minister of State for Housing and Planning Rachel Maclean admitted under questioning that they have not ruled out a combined ombudsman.



Pets

The UK Pet Food Manufacturers' Association estimates that 62% of UK households own a pet of some kind. However, this seems to be uncommon within the PRS, something the Renters (Reform) Bill could change.

We asked agents how many of the properties they advertise on behalf of landlords are advertised as pet-friendly, and as suggested above the pickings are slim for animal lovers.

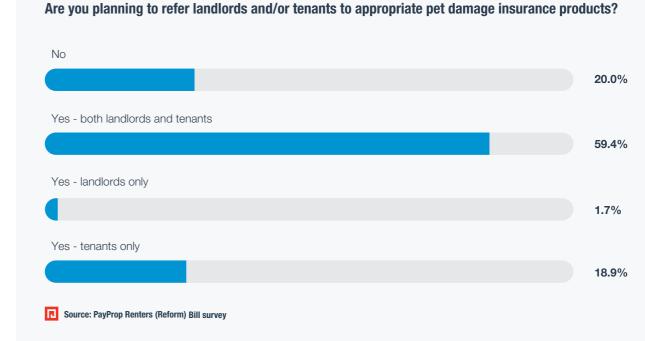


While pet parents may feel disheartened, it is true that some properties, such as HMOs, are unable to accommodate pets by nature. While the Renters (Reform) Bill will allow all tenants to request a pet, landlords can refuse the request if it is unreasonable. It will be interesting to see if more properties are advertised as pet-friendly once the Bill becomes law.

INSURANCE

For lettings professionals, there is an unexpected upside to having more pets in properties. In its current form, the Bill will require tenants who want to keep a pet to take out pet damage insurance to reassure landlords that any damage caused by pets can be recovered.

Lettings professionals can benefit in several ways: Initially, agents can refer tenants to insurance companies that offer pet damage policies, providing new quotes every year while earning referral fees. During the tenancy, agents can charge for pet damage checks in inspection reports. If pets damage the property, agents can use their local knowledge to recommend the best contractors to repair the damage. Finally, if the insurance policy will not cover the damage, lettings professionals can provide evidence to the tenancy deposit scheme to have money released to pay for the costs, or apply to the courts to bill the tenant for the damage if the deposit money will not cover the repair costs.





It will be key for the insurance industry to step up and provide the right policies at the right price for tenants. Current pet damage policies usually do not cover the most common forms of damage including scratching, digging, chewing, tearing, vomiting, fouling or urinating. As a result, tenants could face large bills for repairs to rental properties due to insufficient insurance coverage.

Conclusion

There is a lot to unpack from the feedback provided by hundreds of lettings professionals surveyed by us on the Renters (Reform) Bill, but one thing is clear: agents want change.

The good news is that the Bill is still awaiting its second reading, allowing MPs to fully scrutinise the legislation, so there are still opportunities for amendments. We'll be sharing your feedback including this report directly with ministers, civil servants and MPs and members of the House of Lords - but you can play a part too.

This is one of your best opportunities to speak to your MP. Tell them about this survey and make your arguments where you don't agree with the measures in the Renters (Reform) Bill, which aims to create a "a fairer private rented sector" as stated by the government.

After all, you are the experts who work in the PRS day in and day out, so make sure your voice is heard!

PayProp Special Report – Renters (Reform) Bill

This PayProp publication is compiled by PayProp, the fastest-growing processor of residential letting transactions in the UK.

Contact details

For all business and media enquiries, please contact:

Neil Cobbold Managing Director PayProp UK E-mail: neil.cobbold@payprop.co.uk

Phone: 020 3740 7614

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