



HOUSING LAW PRACTITIONERS ASSOCIATION

London City Forum, Unit 13,
250 City Road, London, EC1V 2PU
www.hlpa.org.uk

PRESS RELEASE

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Contact: Nowsheen Bhatti 07761 259 155

HLPA welcomes Government proposals to put an end to Tolerated Trespassers

The Housing Law Practitioners Association (HLPA) has welcomed the Government's proposed legislation to the Housing and Regeneration Bill which would mean no more tolerated trespassers.

Hazel Blears, Minister for Communities and Local Government tabled amendments to the Housing and Regeneration Bill for the Report stage in the House of Commons, including a new Schedule 2. The measure is complex, involving substitutions and additions to the Housing Acts 1985, 1988 and 1996. It affects secure, assured (including assured short hold), introductory and demoted tenancies. If enacted, no tenancy will come to an end by landlord action until the tenant is actually evicted by enforcement of any possession order obtained by the landlord. Current "tolerated trespassers" still in occupation will have their tenancies reinstated from the coming into force of the Bill.

This concept was created by the courts in *Burrows v Brent (1996)* to describe former tenants whose tenancies had ended as a result of a possession order but whom the landlord did not evict so long as s/he continued to pay for their occupation including through the housing benefit system. It has given rise to numerous practical problems and concern for both landlords and tenants. It is often the most vulnerable tenants who have problems with housing benefit that are likely to become tolerated trespassers and who are then subject to eviction. In particular HPLA has been concerned for those with disabilities, mental health problems and victims of domestic violence.

The new proposal would end doubt and uncertainty for as many as 750,000 households of local authority and housing association homes following Court decisions putting them at risk and in fear of eviction.

David Watkinson, Convenor of the HPLA Law Reform Working Group said:

"The Government is to be congratulated on this carefully drafted proposal to deal with the problem of tolerated trespassers which has been around too long. It has not gone all the way we requested but it has gone a long way and that is to be welcomed"

ENDS

NOTES TO EDITORS:

1. For information on HLPAs and its responses to consultations including on tolerated trespassers see www.hlpa.org.uk
2. Report Stage of the Housing and Regeneration Bill, report stage 28/3/08 <http://bills.ais.co.uk/DH.asp?title=d#HL47>
3. *Burrows v L.B.Brent* [1996] 1 WLR 1448
4. On 31/3/08 the House of Commons agreed to add the amendments to the Bill. The House of Lords will start consideration of the Bill on 28/4/08