
Housing and Planning Act – rogue landlord provisions: civil penalties and rent repayment orders

Department for Communities and Local Government

**RPC rating: confirmed as a non-qualifying regulatory
provision**

Description of proposal

The proposed secondary legislation will set out a wider range of sanctions for local authorities to use in relation to existing criminal offences committed by landlords and property agents. The proposed changes would enable local authorities to:

- impose civil penalties (of up to £30,000) as an alternative to prosecution for a specified range of offences under the Housing Act 2004; and
- seek rent repayment orders in relation to landlord or property agents in specified circumstances (such as illegal eviction, failure to rectify serious health and safety hazards or breaching a banning order).

The RPC previously issued a fit for purpose green-rated opinion on the primary legislation (RPC-3163(1)-CLG). Subsequent to that opinion, it appears that the maximum level of civil penalty has increased (from £5,000 to £30,000). The submission does not provide any justification in relation to the change in the level of penalty. The RPC also notes that this submission only relates to two of the seven elements covered by the previous opinion. Impact assessments for the other changes will be submitted in due course.

Impacts of proposal

The submission does not provide any information on the expected volume of civil penalties or rent repayment orders. On the basis, however, that the proposal amends provisions that relate to the penalties issued once a business is found to be non-compliant (as confirmed in the RPC's previous opinion), the Department's assessment that the proposal will not result in any additional costs to compliant businesses is reasonable.

As the proposal relates to fines and penalties, this will be a non-qualifying regulatory provision.

Quality of submission

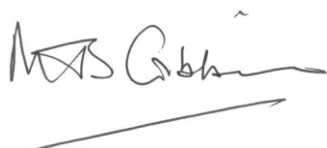
The Department has provided sufficient information to support the assessment of the proposal as a non-qualifying regulatory provision with no additional impact on compliant businesses.

Departmental assessment

Classification	Non-qualifying regulatory provision (fines and penalties)
Equivalent annual net cost to business (EANCB)	Not applicable (low cost non-qualifying regulatory provision)

RPC assessment

Classification	Non-qualifying regulatory provision (fines and penalties)
Small and micro business assessment	Not required (low cost regulation)



Michael Gibbons CBE, Chairman