

# Summary of the Draft Housing Enforcement Policy 2026: **tenancy reforms under the Renters' Rights Act 2025**



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## **1. Introduction**

The Renters' Rights Act 2025 introduced a new tenancy system for renting in England and new enforcement measures are available to local authorities alongside this.

This policy sets out how the Council will enforce the new rules for tenancies. The Council wants to support the majority of good landlords operating in our borough to comply with the new rules, while holding to account the minority of those who do not.

The policy supports landlords to comply with their responsibilities and enables the Council to take a proportionate and reasonable approach to enforcement where this is necessary.

This policy complements the existing Private Sector Housing Enforcement Policy, which explains how we use enforcement powers for non-compliance with current rules relating to housing conditions and property management.

## **2. Enforcement action**

The Council must take enforcement action where a landlord fails to comply with certain responsibilities. Enforcement actions means imposing a civil penalty (fine) for a breach or offence, or pursuing a criminal prosecution for an offence. Civil penalties of up to £7,000 can be imposed for breaches and up to £40,000 for offences.

## **3. Civil penalties**

In determining the level of a civil penalty, officers will have regard to the matrix consisting of the following sequential steps:

1. Determining the starting point based on the seriousness of the breach or offence
2. Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; and experience of the landlord ("Landlord Type")
3. Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants
4. Financial considerations
5. Applying the totality principle.

### **Step 1: Starting point based on seriousness of the breach or offence**

The government has provided statutory guidance that outlines the starting points for all breaches and offences based on the seriousness of the breach or offence.

### **Step 2: Adjustment for factors relating to the type of landlord; size and type of portfolio controlled, owned or managed; and experience of the landlord ("Landlord Type")**

An upward adjustment of 20% of the applicable starting point will be applied where the landlord meets any one or more of the following criteria:

- The landlord has, at any point in time, controlled, owned, or managed six or more properties. These properties need not have been held concurrently or at the time civil penalty proceedings are brought
- The landlord has, at any point in time, controlled, owned, or managed three or more properties that operated as HMOs, whether or not concurrently
- The landlord is, or has previously been, a director of a corporate landlord
- The landlord is a corporate landlord
- The landlord has, in the Council's assessment and by reference to the available evidence, significant experience in the letting or management of property.

A downward adjustment of 20% of the applicable starting point will be applied only where all of the following criteria are met:

- The landlord has, at any point in time, controlled, owned, or managed no more than two properties
- The landlord has controlled, owned, or managed no more than one property that has operated as an HMO, at any point in time
- The landlord has, in the Council's assessment and by reference to the available evidence, very limited experience in the letting or management of property.

**Step 3: Mitigating and aggravating factors the Council deems significant including, but not limited to, factors relating to the track record and culpability of the landlord and the actual or potential harm to the occupants**

Each breach or offence may have offence-specific mitigating and/or aggravating factors, which will be considered alongside the generic factors set out below.

**Mitigating factors**

The Council may reduce the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of mitigating factors.

The Council has not sought to provide an exhaustive list of mitigating factors, recognising that a wide range of circumstances may potentially give rise to mitigation. However, the following generic mitigating factors will be considered in respect of each breach or offence:

- Steps taken to remedy the basis of the breach or offence
- A high level of cooperation
- Acceptance of liability
- Health circumstances
- Diminished culpability (limited responsibility)

## Aggravating factors

The Council may increase the level of a civil penalty by up to 20% of the applicable starting point to reflect the presence of aggravating factors.

The following generic aggravating factors will be considered in respect of each breach or offence:

- Previous history of non-compliance
- Non-cooperation with the Council
- Deliberate intent or negligence when committing the offence
- The number of occupants affected
- Duration of non-compliance
- Vulnerability of occupants

## **Step 4: Financial considerations**

The Council will review the level of the civil penalty and consider whether it is sufficient to act as an effective deterrent to future non-compliance. Where the Council has evidence about the landlord's rental income and/or asset value, it may decide that an increase in the level of the penalty is appropriate to achieve effective deterrence.

## **Step 5: The totality principle**

The Council will ensure that the overall outcome of its enforcement action is just and proportionate. The Council will consider whether multiple civil penalties being imposed under this policy against the same landlord at the same time result in an aggregate amount that is fair. It will consider reducing the penalties where appropriate.

## **4. Offences and breaches where a civil penalty may be levied and relevant considerations as to the level of that penalty**

This is a list of the different breaches and offences that can attract a civil penalty under this policy.

### Unlawful eviction and harassment of occupier – section 1 of the Protection from Eviction Act 1977

Starting point	Statutory maximum civil penalty amount	Landlord downward Type adjustment	No Landlord Type adjustment	Landlord upward Type adjustment
£35,000	£40,000	£28,000	£35,000	£42,000

Offence-specific mitigating factors:

- None

Offence-specific aggravating factors:

- Violence or threats of violence
- Disposal of possessions or threats to dispose of possessions
- Breach or evasion of an injunction or undertaking
- Loss of home

Failure to give a written statement of terms and any other prescribed information – section 16D of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors:

- Provision of some of the required terms and prescribed information within the required period

Offence-specific aggravating factors:

- None

Attempting to let a property for a fixed term – section 16E(1)(a) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Attempting to end a tenancy by service of a notice to quit – section 16E(1)(b) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Attempting to end a tenancy orally or requiring that it is ended orally – section 16E(1)(c) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord downward Type adjustment	No Landlord Type adjustment	Landlord upward Type adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Serving a possession notice that attempts to end a tenancy outside the prescribed section 8 process – section 16E(1)(d) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord downward Type adjustment	No Landlord Type adjustment	Landlord upward Type adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- Tenant vacates property within four months of the date of vacation or equivalent specified in the notice to quit

Relying on a ground where the person does not reasonably believe that the landlord is, will, or may be able to obtain possession on that ground and the tenant(s) surrendered the tenancy within the period of four months beginning with the date of the contravention, without an order for possession of the dwelling-house being made – section 16E(1)(e) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord downward Type adjustment	No Landlord Type adjustment	Landlord upward Type adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Failing to provide a tenant with prior notice that a ground which requires it may be used – section 16E(1)(f) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£3,000	£7,000	£2,400	£3,000	£3,600

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Failure to give an existing tenant prescribed information about changes made by the Renters' Rights Act 2025 in the prescribed form and timeframe – paragraph 7(2) of schedule 6 to the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£4,000	£7,000	£3,200	£4,000	£4,800

Offence-specific mitigating factors

- Provision of some of the required prescribed information within the required period
- Provision of prescribed information but not in the prescribed form

Offence-specific aggravating factors:

- None

Continuation of conduct subject to a relevant penalty (under s.16I or s.16K Housing Act 1988) after the 28-day period (or, if appealed, after conclusion of the appeal) where the final notice has not been withdrawn — section 16J(3) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

added together				
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#### Offence-specific mitigating factors

- None

#### Offence-specific aggravating factors:

- None

Conduct giving rise to liability under s.16I, where within the preceding five years the person has either (i) had a relevant penalty (under s.16I or s.16K Housing Act 1988) imposed for different conduct and the final notice has not been withdrawn, or (ii) been convicted under s.16J for different conduct – section 16(J)(4) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
Double the starting level for the two constituent breaches added together	£40,000	Dependent on the constituent breaches	Dependent on the constituent breaches	Dependent on the constituent breaches

#### Offence-specific mitigating factors

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988

#### Offence-specific aggravating factors:

- Dependent on the most recent conduct giving rise to liability to a civil penalty under section 16I of the Housing Act 1988

Relying on a ground where the person knows that the landlord would not be able to obtain an order for possession on that ground, or being reckless as to whether the landlord would be able to do so and the tenant(s) surrendered the tenancy within the period of four months beginning with the date the ground was relied on, without an order for possession of the dwelling-house being made – section 16J(1) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£30,000	£40,000	£24,000	£30,000	£36,000

#### Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Breach of restrictions relating to reletting (s16(E)(2) Housing Act 1988) or remarketing (s16(E)(3) Housing Act 1988) a property within restricted period after using Grounds 1 or 1A of Schedule 2 Housing Act 1988 - section 16J(2) of the Housing Act 1988

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£25,000	£40,000	£20,000	£25,000	£30,000

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Discrimination relating to children in the lettings process – section 33(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Discrimination relating to benefits in the lettings process – section 34(1) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord Type downward adjustment	No Landlord Type adjustment	Landlord Type upward adjustment
£6,000	£7,000	£4,800	£6,000	£7,200

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Failure to specify proposed rent within a written advertisement or offer – section 56(2) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord downward adjustment	Type	No Type adjustment	Landlord	Type
					upward	adjustment
£3,000	£7,000	£2,400		£3,000		£3,600

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None

Inviting, encouraging or accepting any offer of rent greater than the stated rate – section 56(3) of the Renters' Rights Act 2025

Starting point	Statutory maximum civil penalty amount	Landlord downward adjustment	Type	No Type adjustment	Landlord	Type
					upward	adjustment
£4,000	£7,000	£3,200		£4,000		£4,800

Offence-specific mitigating factors

- None

Offence-specific aggravating factors:

- None