The Social Housing Bill: House of Commons Committee Stage Briefing

Summary

We welcome the introduction of the Social Housing Bill and the measures included to protect both tenants and social homes. We are pleased that the bill includes proposals to repeal unimplemented parts of the Housing and Planning Act 2016 and have welcomed the government's announcement of further amendments, particularly the strengthened protections for domestic abuse survivors, action to prevent homelessness and measures that support the long-term future of social housing.

This briefing outlines the remaining safety issues we believe need to be resolved through the bill and sets out our asks to government in relation to access for tenant safety checks, which are:

a) A clear public commitment to take access for safety work forward in a timely manner
b) Consultation on any necessary primary legislation along similar lines to our suggested amendment to this bill in appendix 1
c) To work with the sector and tenants to publish good practice guidelines for social landlords to improve expectations, policies, procedures and communication in these matters.

Access for Safety - to clarify the legal position for social landlords to gain access for safety checks and work

Despite strengthened statutory safety responsibilities on social landlords, there remains significant legal uncertainty around obtaining access to homes where, in a minority of cases, tenants repeatedly refuse entry for essential safety inspections and works. This creates risks for tenants, neighbours and landlords, with missed safety checks potentially endangering residents' health and safety and leaving landlords vulnerable to regulatory failure and, in some circumstances, criminal prosecution.

We are asking government to commit to clarifying the law, consult on a statutory access mechanism with appropriate safeguards, and work with the sector and tenants to develop clear guidance and expectations.

During the bill's passage in the House of Lords, Lord Best tabled the amendment set out in Appendix 1 to provide a clear, proportionate and properly safeguarded statutory route for access where essential safety checks and works cannot otherwise be carried out. During the debate, the Minister committed to exploring the issue further and assessing the scale and nature of the problem to determine the most appropriate way forward. In light of that commitment, the amendment was not moved.

Background

The sector has undertaken significant work in recent years to understand the scale of the issue and promote good practice to minimise the need for legal action.

In 2025, CIH, working with the Local Government Association (LGA), National Federation of ALMOs (NFA), Association of Retained Council Housing (ARCH) and Councils with ALMOs Group (CWAG), commissioned HQN to do the first-ever systematic analysis of 'no-access' in the social rented sector, where a tenant refuses or does not respond to reasonable requests for entry to their home.

The 'Opening the Door' report found that 60 per cent of respondents consider 'no access' to be a growing concern and highlighted the importance of good culture, practice and communication in securing access to tenants' homes.

Since publication, CIH, HQN and the NFA have promoted the findings through webinars, policy networks and briefings. However, while these approaches can be effective a small number of cases ultimately require court intervention to enable landlords to fulfil their statutory safety obligations.

However, conflicting county court judgments have created uncertainty about the legal remedies available, undermining confidence in what is already a costly and time-consuming process. Persistent 'no access' cases can prevent landlords from carrying out:

- Gas safety compliance
- Electrical safety checks
- Fire safety checks including smoke and carbon monoxide alarm checks.

The existing legal context

Where repeated attempts to secure voluntary access have been unsuccessful, social landlords can rely on tenancy provisions and apply to the County Court for

an access injunction. Where a tenant fails to comply with that injunction, landlords may seek a further order authorising forced access.

For councils' secure tenancies there is also an implied covenant in Section 11(6) of the Landlord and Tenancy Act 1985 that the [tenant], or any person authorised by him in writing, may at reasonable times of the day and on giving 24 hours' notice in writing to the occupier, enter the premises comprised in the lease agreement for the purpose of viewing their condition and state of repair.

However, recent county court judgements have created confusion over whether landlords are able to force access into the property when all other avenues have been exhausted to carry out overdue health and safety checks such as the annual servicing of gas boilers. The two judgements point in opposite directions and are detailed below:

Sovereign Housing Association Ltd v Hall [2024]

Sovereign obtained an injunction for access to their tenant's property, requiring them to provide access. The tenant did not comply with the order so Sovereign applied for an order which could allow them to peacefully force access, under a combination of Civil Procedure Rules (CPR 25.1(c) and (d)).

This was rejected by the District Judge, who held that the court lacked jurisdiction under the civil procedure rules and that the correct approach was to pursue committal proceedings for non-compliance.

Sovereign appealed this decision on the basis that the court did have the jurisdiction to grant an order for forced access, under their general case management powers and enforcement of compliance with orders (CPR 3.1(2)(m) and CPR 70.2A).

The Circuit Judge in the County Court noted that CPR 25.1(c) and (d) could potentially allow for an order authorising forced access and was persuaded that an order for forced access could be made under CPR 70.2A.

This demonstrated that social landlords may rely on CPR 70.2A to force access to a property in instances where an access injunction has already been obtained. However, Southern Housing v Emmanuel took a contrasting view:

Southern Housing v James Emmanuel [2025]

Southern Housing sought permission to force entry into the flat of its tenant, Mr Emmanuel, after he failed to comply with an earlier access injunction requiring him to allow a gas-safety inspection. The tenant did not attend the hearing. The landlord argued that the court could grant forced entry under the Civil Procedure Rules, particularly rules 70.2A, 25.1 and 3.1(2)(p).

The District Judge **rejected that argument, holding that no judge has the power to authorise forced entry into a home unless Parliament has expressly provided for it.** Forced entry, the judge said, interferes with a tenant's right to exclusive possession and long-recognised common-law protections of the home. The court's procedural rules cannot override those substantive rights.

Southern Housing argued that rule 70.2A allowed the court to enforce an earlier injunction by appointing someone to carry out the "act required", even if that necessitated forced entry. The judge disagreed, finding that the "act required" was the tenant permitting access, and that allowing a landlord to break in was a different act entirely, not one contemplated by the rule.

The court emphasised that tenants are still required to comply with access injunctions. If they refuse, landlords may pursue contempt of court or, in persistent cases, possession proceedings. But the court cannot grant landlords the right to break in. This decision therefore pushed back against the use of CPR 70.2A to justify entry.

These two cases were both heard at county court level so do not create any precedent over each other. Currently each application turns on its own facts and judicial discretion means that landlords have no confidence in the outcome of any case.

In the *Southern Housing* case, the court suggested that landlords could pursue possession proceedings where tenants repeatedly refuse access. However, we believe this is a disproportionate response when the objective is simply to complete essential safety checks and ensure the wellbeing of the tenant and those around them.

Our members report that persistent no-access cases often involve vulnerable tenants, including those experiencing mental ill health, hoarding behaviours or difficulties managing appointments and daily responsibilities. In such circumstances, tenants are more likely to benefit from support and engagement than the threat of eviction. The alternative legal remedies available, including

committal proceedings or financial penalties, are similarly disproportionate and do little to address the underlying safety issue.

We understand that, following a review of recent county court decisions, the issue of forced access injunctions may now be considered by a higher court. While a future judgment could help clarify the legal position, there remains a need for government to establish clear expectations for tenants and landlords, including the processes that should be followed and how tenant rights and safety obligations should be balanced in practice.

Recommendation

CIH worked closely with sector partners and MHCLG officials over the summer to consult housing professionals and tenants on our proposed amendment. Housing professionals reiterated their concerns about the lack of clarity in being able to obtain access for a wide range of health and safety matters whilst tenants voiced their concerns over a lack of communication and clear processes when some landlords seek access. Both landlords and tenants were supportive of more clarity and guidance in this area to improve safety and outcomes for all tenants.

We are therefore asking Ministers to use the opportunity of the Social Housing Bill under its stated aims of tenant protections and regulation to state what work will be done to clarify the law and provide a clearly defined and properly safeguarded statutory route for forced access when needed for prescribed safety checks and works.

We would like to see government consult on any necessary primary legislation along similar lines to our suggested amendment and to work with the sector and tenants on good practice guidelines for social landlords to improve expectations, policies, procedures and communication in these matters.

We therefore urge you to ask the government to make a commitment to this work during the committee stage of the bill and set out a reasonable timetable for doing so.

Appendix 1 previously suggested amendment to Part 3

After Clause 12, insert the following new Clause– Access to dwellings for registered providers of social housing to comply with relevant statutory safety duties

(1) This section applies where:

(a) A registered provider of social housing makes a request of an occupier to enter relevant premises;

(b) The purpose of the request is to comply with a relevant statutory safety duty.

(2) In this section "relevant statutory safety duty" means a duty imposed on a landlord by or under any of the following–

(a) regulations 36(2) and (3) of the Gas Safety (Installation and Use) Regulations 1998;

(b) regulation 3 of the Electrical Safety Standards in the Private Rented Sector and Social Rented Sector (England) Regulations 2020; and

(c) regulation 4(1)(c) of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 as amended by regulation 5 of the Smoke and Carbon Monoxide Alarm (Amendments) Regulations 2022.

(3) Upon an application by a registered provider of social housing under this section, the court may make an order as it considers appropriate for the purpose of enabling the registered provider of social housing to comply with the relevant statutory safety duty, including–

(a) authorising entry to the relevant premises;

(b) authorising the use of reasonable force to gain entry, if necessary; and

(c) authorising the carrying out of specified inspections, testing or works.

(4) The court shall not make any order unless the registered provider of social housing has, in the 3 month period prior to the date of the application, served on the occupier the relevant requests for access complying with sections (5) – (8) below, ("the Requests"). The Requests shall comprise of an Initial Request, a Final Request, and a Breach Notice.

(5) The "Initial Request" shall:

(a) outline the relevant statutory safety duty or duties to be complied with;

(b) outline the inspection, testing or works to be carried out;

(c) provide the date and time, or period, during which the registered provider of social housing requests entry to the relevant premises for the purpose of complying with the relevant statutory safety duty;

(d) provide a period of at least 14 days prior to the date and time, or period, provided in accordance with (c) above during which the occupier may contact the registered provider of social housing in order to make an appointment for access to the relevant premises; and

(e) provide the contact details of the registered provider of social housing so that such an appointment for access can be made by the occupier of the relevant premises.

(6) The "Final Request" shall:

(a) be served at least 7 days after the ending of the period in 5(d);

(b) outline the relevant statutory safety duty or duties to be complied with;

(c) outline the inspection, testing or works to be carried out;

(d) provide a date, time and duration when entry to the relevant premises is required, which must be at least 7 days after service; and

(e) provide the contact details of the registered provider of social housing where an alternative appointment for access can be made by the occupier of the relevant premises.

(7) The "Breach Notice" shall:

(a) be served not less than 3 days after the date in 6(d);

(b) provide the details of the occupier's failure to comply with the Initial Request and Final Request;

(c) specify a date, which must be at least 7 days from service, after which the application for an order under subsection (3) will be made; and

(d) provide the contact details of the registered provider of social housing where an appointment for access can be made.

(8) An order under this section must:

(a) specify the purpose for which entry is authorised;

(b) limit entry to what is reasonably required to achieve that purpose; and

(c) specify the period during which entry may take place, which may not be longer than 3 months.

(9) Subsection (4) does not apply where the registered provider of social housing reasonably considers that there is an imminent risk to the health or safety of any person arising from:

(a) a gas installation or appliance,

(b) an electrical installation, or

(c) the absence or failure of a smoke alarm or carbon monoxide alarm,

and in such a case the court may make such order as it considers just.

(10) In this section–

"registered provider of social housing" has the meaning given by section 80 of the Housing and Regeneration Act 2008;

"occupier" means a person in possession or with a right to possession of the relevant premises, including a tenant or licensee;

"relevant premises" means a building or part of a building occupied or intended to be occupied as a separate dwelling.

(11) Nothing in this section limits any right of entry which a registered provider of social housing may have apart from this section.

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