

# CobbWarren

## SOCIAL HOUSING BULLETIN – APRIL 2026



### WHAT'S IN THIS MONTH'S EDITION?

April brings a flurry of regulatory and legal changes that demand immediate attention.

New tenancy forms are live from 1 May. The Renters' Rights Act creates urgent deadlines for market rent landlords. And a significant court judgment has just clarified what proportionality really means in ASB possession proceedings.

Here's what's coming up:

- Do you operate market rent tenancies? [Here's what you must do by 1 May \(270 words\)](#)
- Why [proportionality assessments](#) done after you've issued proceedings won't cut it (220 words)

- [When can you change the locks](#) on an apparently abandoned property? (260 words)
- In case you missed it: [Why your apologies might be making things worse](#) (90 words)
- Preparing for [Awaab's Law phase 2](#): Latest learnings on hazards (180 words)
- Government consults on [new Tenure Direction](#) (135 words)

### **MARKET RENT TENANCIES: URGENT ACTION NEEDED BY 1 MAY**

If you operate market rent tenancies (either directly or via a subsidiary) you need to act before 1 May 2026.

The Renters' Rights Act comes into force for the private rented sector on 1 May. This affects market rent landlords whose tenancies fall outside the statutory definition of social housing. This could be a social landlord where the property is rented at market rent levels.

#### **Two separate deadlines**

**By 31 May 2026:** Serve the new Information Sheet on every tenant (for all existing private assured tenancies). Where the tenancy is joint, serve it on each tenant individually. Serve it by posting or hand-delivering a printed hard copy, or sending the PDF as an email or text attachment. You cannot simply send a link. Failure to serve by 31 May could result in a fine of up to £7,000.

**From 1 May 2026:** Use new prescribed forms (Form 3A for notices seeking possession; Form 4A for rent review notices).

#### **What about social housing assured tenancies?**

If you're a Private Registered Provider and all your assured tenancies are social housing, you won't be affected until October 2027. But where a PRP offers non-social housing assured tenancies, those tenancies will be affected by the May 2026 reforms.

#### **Where to find the forms**

- Information Sheet: [The Renters' Rights Act Information Sheet 2026](#)
- New forms (from 1 May): [Assured tenancy forms](#)

If you need to discuss the implications for your organisation, get in touch.



### **WHEN PROPORTIONALITY ASSESSMENTS BACKFIRE**

A recent County Court judgment has sent a clear message: proportionality assessments done after you've already issued proceedings won't cut it.

In *The Co-operative Development Society Ltd v XXX*, the landlord's possession claim was dismissed. The tenant (who had severe mental health difficulties) was awarded £8,800 in damages for injury to feelings under the Equality Act 2010.

#### **The problem**

The landlord produced three proportionality assessments over two years. All were prepared only *after* the Notice Seeking Possession and the issue of proceedings.

The judge found they were reactive "afterthoughts" designed to support the litigation position rather than a genuine, open-minded balancing exercise. They didn't properly consider the tenant's disabilities, the link between those disabilities and her behaviour, or the likely impact of eviction (severe distress, substance misuse, self-harm risk).

The landlord also relied heavily on hearsay evidence, claiming witnesses were too intimidated to attend trial. But the judge found no evidence to substantiate this: no discussions with witnesses about attending, no

evidence of specific threats, no consideration of protective measures (screens, video link), and no anonymised witness statements.

### **The key lesson**

You need to carry out proportionality assessments **before** serving notices and issuing proceedings. Take a "sharp focus" on the tenant's disabilities and the link to the behaviour. Consider the likely impact of eviction. Treat it as an open-minded exercise, not a post-event justification.

Where witnesses are reluctant to attend, engage in active discussions, explore protective measures, and obtain anonymised statements verified by a statement of truth.



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## **WHAT HAPPENS WHEN YOU CHANGE THE LOCKS**

"Can we just change the locks?"

It's a question housing teams sometimes ask when a tenant appears to have abandoned a property or expressed an intention to leave.

The Housing Ombudsman's answer is clear: not without proper process.

What happened

A vulnerable resident emailed Bristol City Council saying he intended to end his tenancy. He asked the council to contact him at his mother's address. The council told him he needed to complete a form.

He didn't complete the form. And he reasonably believed his tenancy remained active.

Months later, without contacting him to check, the council changed the locks, cancelled his housing benefit, and disposed of his possessions. When he called to query the lock change, staff told him he was still a tenant.

He spent a year in temporary accommodation.

### The findings

The Housing Ombudsman found severe maladministration. The council had failed to:

- Contact the resident before ending his tenancy or disposing of his belongings
- Consider his known vulnerabilities or apply its safeguarding policy
- Respond to his attempts to make contact
- Keep adequate records
- Offer a meaningful apology

Richard Blakeway, Housing Ombudsman, said: *"This case shows why landlords must see the person behind the complaint and ask questions when residents say something has gone wrong."*

### The lesson

Before changing locks or treating a property as abandoned, you need to:

- Make reasonable attempts to contact the resident
- Consider any known vulnerabilities
- Keep detailed records of all attempts at communication
- Follow proper notice procedures



## WHY YOUR APOLOGIES MIGHT BE MAKING THINGS WORSE

In case you missed it, last month we sent out a detailed newsletter on apologies as a remedy in Housing Ombudsman cases.

The Ombudsman now orders more than 4,000 apologies every year. In 2024-25 alone, 2,418 apologies were ordered to residents for poor conditions in their homes.

And they're getting more serious about how those apologies should be delivered. In severe cases, the Ombudsman orders senior directors or chief executives to apologise – sometimes verbally, sometimes in person.

But what makes a "good" apology? And how can you avoid making things worse?

Our March deep dive breaks down the Ombudsman's six-element framework for effective apologies.

[Read it here](#)



## PREPARING FOR AWAAB'S LAW PHASE 2

The Housing Ombudsman's March 2026 severe maladministration report focuses on hazards – timely, given phase 2 of Awaab's Law arrives later this year.

Phase 2 will extend Awaab's Law to cover all category 1 hazards under the Housing Health and Safety Rating System (HHSRS). Currently, it only covers damp and mould unless it is an Emergency Hazard (save for overcrowding).

### **Multiple hazards**

The report highlights how dealing with more than one hazard at the same time can be complex. It often requires multiple inspections and clear communication with the resident.

Phase 2 will mean landlords potentially need to respond to more than one hazard, each with different timescales.

The Ombudsman's casework shows how closely hazards interlink. One hazard can make another worse. Clear communication and strong knowledge and information management are essential.

### **Hazards at letting**

An opportune time to resolve issues is while a property is empty. But while the Ombudsman appreciates there's a need to turn vacancies around quickly, landlords must not let homes in a condition that contains hazards.

You should ensure homes are:

- Free of hazards
- In good condition
- Signed off as meeting your 'void standard'
- Meeting the new Decent Homes Standard

This is also an important time for building trust between landlord and resident.

**Read the full report:** [Learning from severe maladministration – March 2026](#)



### **GOVERNMENT CONSULTS ON NEW TENURE DIRECTION**

On 2 April, the government opened a [consultation on a new Tenure Direction](#) for social housing.

The Tenure Direction sets out how social landlords should allocate tenancies and what type of tenancies they should offer. The new proposals reflect changes introduced by the Renters' Rights Act, including the shift to assured periodic tenancies from October 2027.

The consultation runs for eight weeks, **closing on 28 May 2026**.

Following the consultation, the Government aims to issue the new Tenure Direction to the Regulator by October 2026. The Regulator will then carry out its own consultation and publish any necessary updates to the regulatory standards ahead of the October 2027 implementation date.



## GET YOUR BLUEPRINT FOR ASB ACTION

Earlier this year, we created an educational email course specifically for housing officers dealing with anti-social behaviour.

It's called the **Housing Officer's Blueprint for ASB Action**, and it reveals the five most common (and most costly) mistakes in ASB casework – mistakes that lead to maladministration findings, Stage 2 complaints, and vulnerable residents being left unsupported.

Over five days, the course covers:

- Day 1: The reflex that floods your caseload and hides genuine ASB
- Day 2: How "keep it local" becomes a maladministration trap
- Day 3: The documentation habit that looks busy but doesn't stand up to scrutiny
- Day 4: How multi-agency coordination can turn into pass-the-buck
- Day 5: The update style that can make residents feel ignored

### **How to access it**

If you'd like to receive the course, simply reply to this email with the words **"ASB course"** and we'll get you set up.

It's free, practical, and built from Rebecca and Joe's nearly 20 years supporting social landlords on ASB cases.

**That's it for April.**

As always, if you need advice on any of the issues covered in this bulletin, don't hesitate to get in touch.



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