

**Sentencing Council consultation on housing offences sentencing guidelines**

**Response from Propertymark**

**April 2026**

**Background**

1. Propertymark is the UK's leading professional body for estate and letting agents, property inventory service providers, commercial agents, auctioneers and valuers, comprising over 18,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

**Overview**

2. The Sentencing Council has opened a consultation on feedback on a new package of housing related offences sentencing guidelines. These include two guidelines covering the nine offences of unlawful eviction of occupier and unlawful harassment of occupier and four guidelines covering offences related to houses in multiple occupation (HMOs) and other housing standards offences. The package includes guidelines for individuals and guidelines for organisations.

**Summary**

3. Propertymark generally supports the proposed sentencing frameworks across unlawful eviction, unlawful harassment, HMO offences, and wider housing standards offences. We welcome the graduated culpability and harm models, which distinguish between serious, deliberate breaches and lower-level or administrative failings. For lower culpability cases, particularly where poor practice arises from a lack of knowledge or understanding, we believe there should be an emphasis on education and training alongside fines. Serious cases involving deliberate harm, intimidation, or systemic failings should be prioritised with proportionate sanctions. The approach to starting points and category ranges, including turnover-based fines for organisations, is appropriate, clear, and consistent with other regulatory frameworks.
4. We support the proposed aggravating and mitigating factors, recognising that previous convictions, repeated offending, and deliberate attempts to increase harm should be taken into account, while positive actions, cooperation with authorities, and willingness to undertake education should mitigate lesser offences. We also welcome the guidance on financial sanctions, including compensation, confiscation, combined orders, and rent repayment orders. Ensuring victims are fairly compensated and that offenders do not gain financially is essential. For tenants in receipt of benefits, we recommend considering alternative compensation mechanisms to maintain fairness. We note the growing interaction between criminal prosecution, civil penalties of up to £30,000, banning orders, Rent Repayment Orders, and regulatory sanctions. The guidelines should ensure clarity around proportionality where multiple enforcement routes are pursued in parallel, so that cumulative

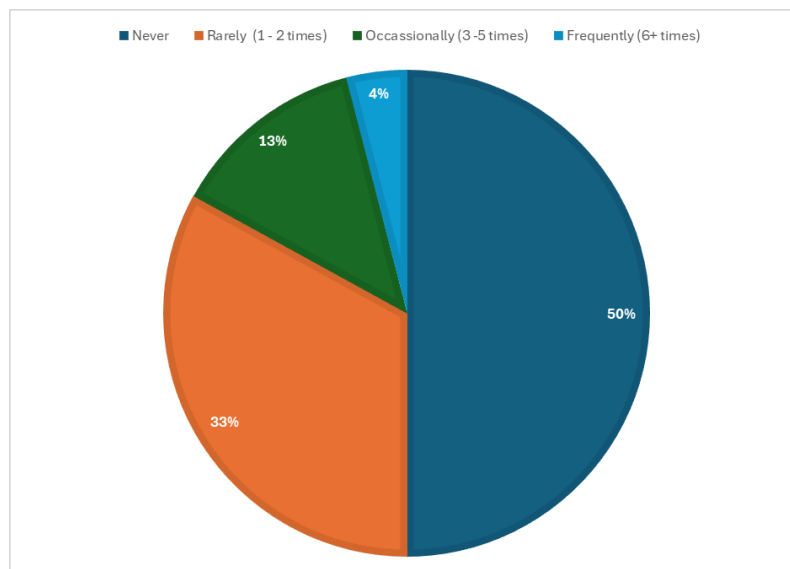
sanctions do not become disproportionate relative to the offending and there is a synergise approach.

5. In relation to equality and diversity, we acknowledge that protected groups may be disproportionately affected by poor housing conditions or overcrowding. Engagement with relevant community groups and accessible communications from authorities will help tenants understand their rights and reduce unintentional breaches. We support the use of short guidelines for low-volume or low-harm offences, such as breaching overcrowding notices or providing false information to authorities, provided there is a distinction between deliberate and inadvertent breaches. Overall, we consider the proposed guidelines to be proportionate, practical, and consistent, while providing flexibility to address different levels of offending and promote education and compliance in the sector.
6. To support our response, we surveyed 236 of our members on their experiences of housing offences.

**Propertymark member survey data**

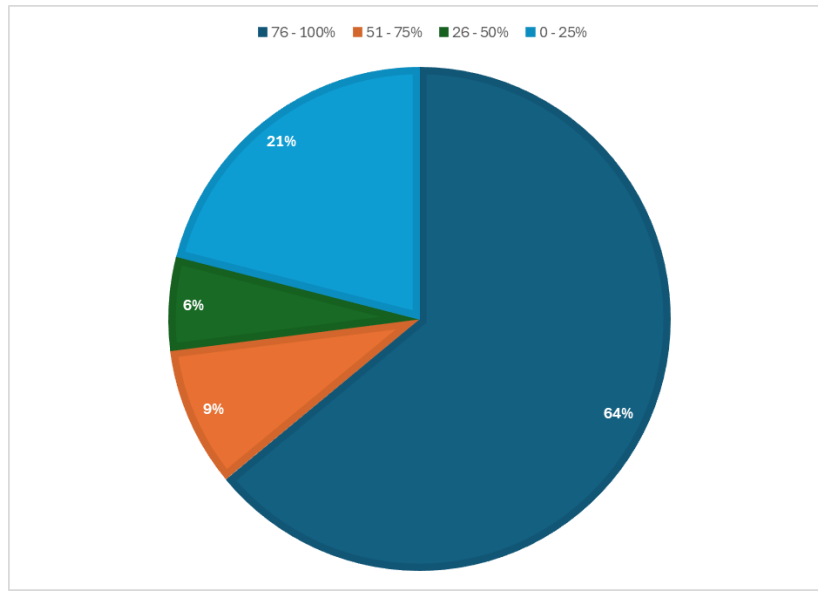
**How often in the last two years have you had to intervene or provide formal advice to prevent a landlord client from taking a potentially illegal action (such as changing locks or cutting off utilities)?**

Our survey revealed that the majority with half of members who responded said that they have never had to intervene or provide formal advice to prevent a landlord client from taking a potentially illegal action. In contrast only 4% said they had to frequently intervene.



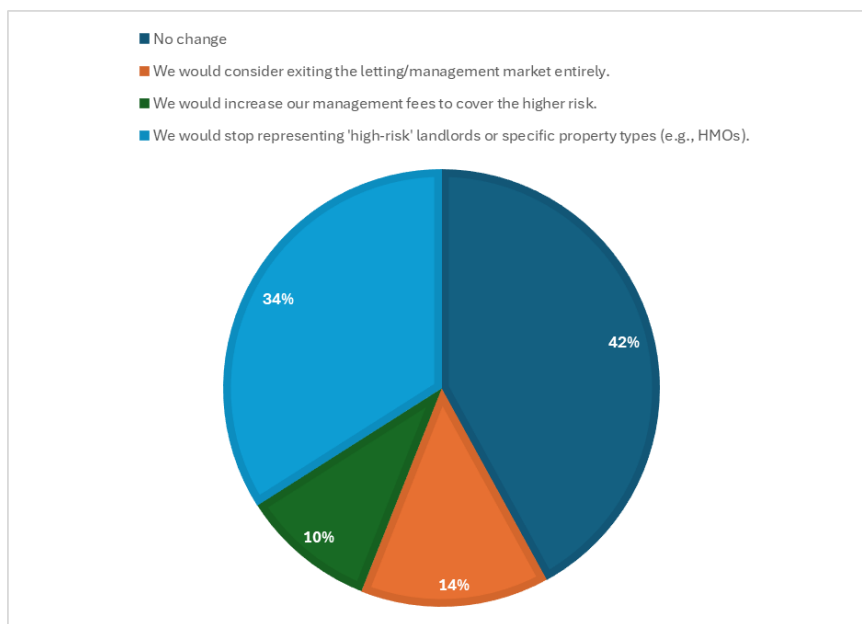
**How often are landlord offences (such as HMO licensing breaches or failing to meet improvement notices) the result of genuine administrative error or legal confusion rather than a deliberate intent?**

Over 64% of our members believed that between 76% and 100% of the time landlord offences were the result of genuine administrative errors or legal confusion. This supports our calls for improved guidance, education and awareness amongst landlords.



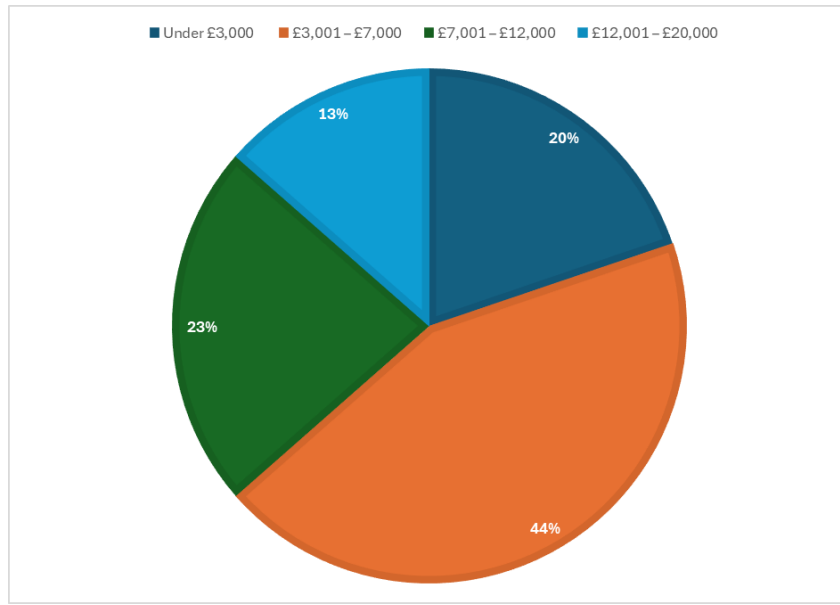
**If the courts introduce a starting point of a prison sentence for landlords and agents found guilty of a 'serious' unlawful eviction, how would this impact your business strategy?**

42% of our members said that if a prison sentence was introduced for landlords guilty of serious offences, they would make no changes to their business strategy. However, 34% said they would stop representing 'high risk' landlords or specific property types such as HMOs.



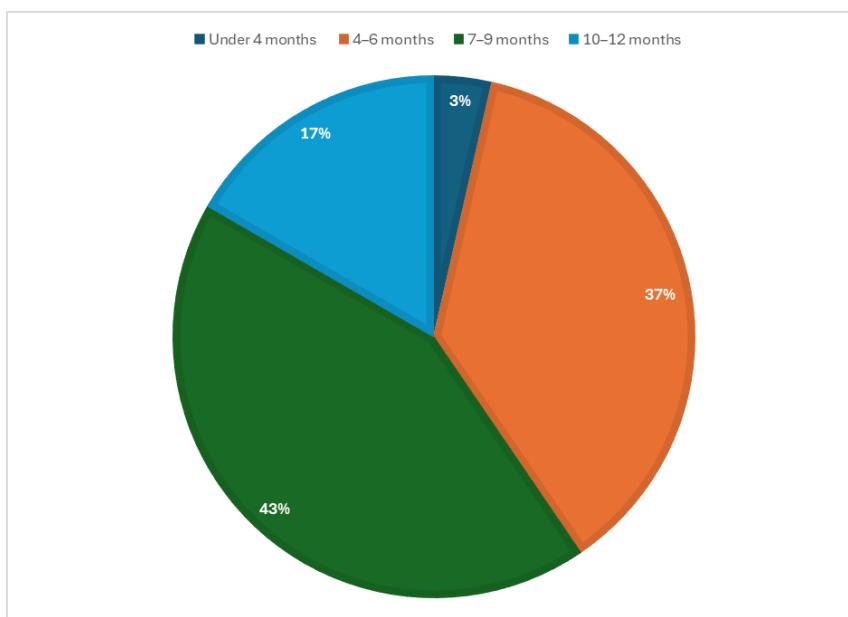
**What is the average total cost (including legal fees and lost rent, etc.) for a landlord in your area to complete a fully legal eviction of a tenant?**

According to our membership, the majority with 44% believed that the average cost for a landlord in completing a full legal eviction amounted to between £3,001 and £7,000.



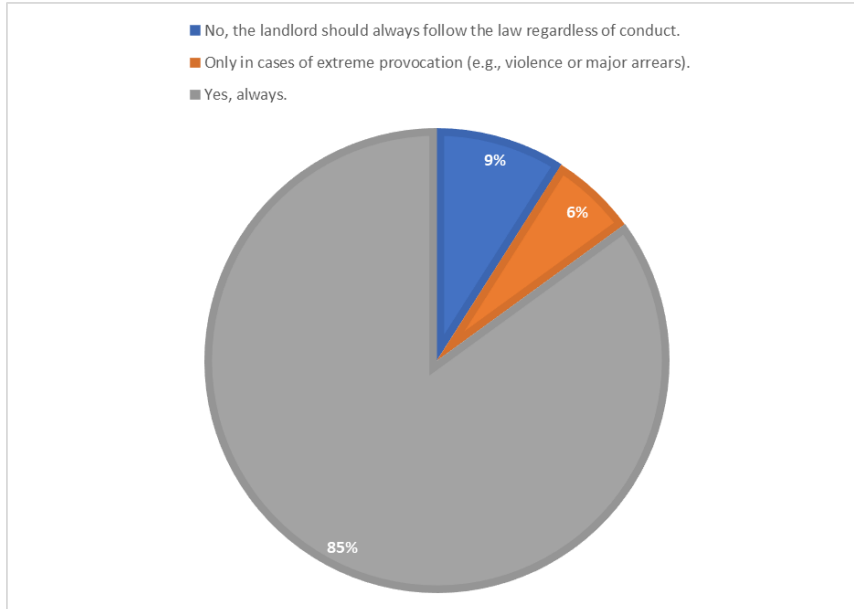
**What is the average total time taken for full legal eviction of a tenant?**

43% of our members surveyed said that the average time taken for a full eviction was between 7 and 8 months followed by 37% who said between 4 and 6 months. This may vary from region to region with longer waiting times often attributed to London, Wales and the South East.



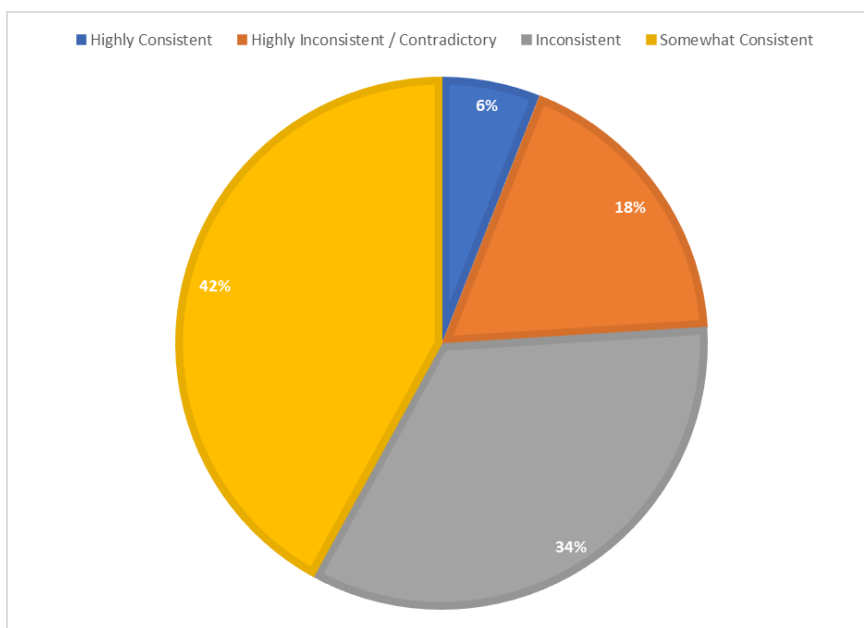
The Sentencing Council currently does not consider a tenant’s behaviour (e.g., non-payment of rent or property damage) as a factor in the landlord's sentence. Do you believe the court should be required to consider the 'full history' of the tenancy when determining a penalty?

Overwhelmingly, 88% of members said that the courts should be required to consider the full history and potential mitigating circumstances of the tenancy when determining a penalty.



How would you rate the consistency of the advice and enforcement actions provided by your local housing authority regarding HMO and housing standards?

43% of our members believed that the consistency of advice and enforcement actions provided by local housing associations was somewhat consistent. However, 34% and 18% said that it was inconsistent and highly inconsistent accordingly.





## Questions

### **5. Do you have any comments on the culpability factors for the unlawful eviction and unlawful harassment guidelines for individuals and organisations?**

7. Propertymark supports the introduction of varying degrees of culpability within the unlawful eviction and unlawful harassment guidelines, as this reflects the wide range of circumstances in which these offences can occur. We particularly welcome the three-tier approach, which distinguishes between serious, deliberate offending and lower-level breaches. In cases of the lowest culpability, where poor practice has occurred without malicious intent and often due to a lack of knowledge or understanding of the law, Propertymark thinks there should be an emphasis on education and improving practice to prevent repeat offending. However, where repeat offences occur, the sanction should reflect the failure of the offender to rehabilitate.
8. At the same time, the most serious cases should be clearly identified and prioritised. Offences involving violence, intimidation, or deliberate deprivation of essential services represent the highest level of culpability and warrant robust sanctions to reflect the serious harm caused to victims and to reduce the risk of further offences. Overall, Propertymark considers that the graduated culpability framework is appropriate, promotes proportionality, and provides a clear basis for fair sentencing.

### **6. Do you have any comments on the harm factors for the unlawful eviction and unlawful harassment guidelines for individuals and organisations?**

9. Propertymark supports the two-tier harm framework proposed for the guidelines, which appropriately distinguishes between the most serious harm and all other cases. Category 1, which captures cases where victims permanently lose their home, suffer significant distress, or are deprived of essential utilities for a prolonged period, accurately reflects the severe impact of these offences on individuals and households. The lower harm category allows for proportionality where the impact, while still unacceptable, is less severe.
10. We consider that the harm factors, applied alongside the graduated culpability framework, provide sentencers with a clear and practical tool for ensuring that sentences reflect the real and lasting impact on victims. This approach helps to prioritise the most serious cases, while ensuring that less severe cases are treated proportionately, and supports consistent and effective sentencing across both individuals and organisations. In both the culpability and harm factors, this must be communicated with landlords and agents within the sector.

### **7. Do you have any comments on the starting points and category ranges for the unlawful eviction and unlawful harassment guideline for individuals?**

11. Propertymark welcomes the structured starting points and category ranges for unlawful eviction and unlawful harassment for individuals. We support the framework's clear linkage of starting points to both culpability and harm, which allows courts to differentiate between minor and more serious offending. The approach appropriately reserves the highest starting



points and ranges for offences with high culpability and Category 1 harm, ensuring that serious cases involving violence, intimidation, or deliberate deprivation of essential services are prioritised and receive proportionate custodial sentences.

12. We also welcome the differentiation that allows lower culpability and lesser harm to result in community orders or fines, recognising that some offences arise through lack of knowledge or poor practice rather than malicious intent. In particular, for Category 1 offences at the lowest culpability level (C), there should be an emphasis on education and corrective measures in addition to any fine, to help prevent repeat offending and improve standards in the sector.
13. Propertymark considers it important that sentencers have flexibility when applying the framework. For example, multiple low-level offences could collectively be considered as higher overall harm or culpability, and previous offending should be taken into account to ensure repeat offenders are appropriately dealt with. Overall, we believe the proposed starting points and category ranges provide a balanced, practical, and proportionate approach that supports consistent sentencing while ensuring serious cases are effectively prioritised.

**8. Do you have any comments on the starting points and category ranges in the unlawful eviction and unlawful harassment guideline for organisations?**

14. Propertymark welcomes the approach of setting fines for organisations based on turnover, as it provides a clear, practical, and proportionate mechanism to ensure penalties are meaningful and reflect the financial capacity of the offending business. This approach is consistent with other regulatory frameworks, including data protection enforcement under the GDPR, Health and Safety Executive guidelines, and financial regulation, where fines are scaled according to business size and turnover to achieve both deterrence and proportionality.
15. For the lettings industry, the proposed thresholds (Micro: up to £2 million, Small: £2–10 million, Medium: £10–50 million, Large: £50 million and above) appear broadly appropriate. They capture the majority of businesses operating in the sector, including small and medium-sized lettings agencies, while allowing flexibility for very large organisations or national chains whose turnover greatly exceeds the “Large” category. Propertymark considers it important that sentencers retain the discretion to adjust fines where turnover alone may not fully reflect an organisation’s financial position, and that aggravating and mitigating factors, as well as previous offending, are taken into account.
16. Overall, we support the use of turnover-based thresholds as a proportionate, transparent, and defensible approach, ensuring that fines act as a real deterrent while remaining fair to organisations of different sizes.

**9. Do you have any comments on the aggravating and mitigating factors for the unlawful eviction and unlawful harassment guidelines for individuals and organisations? Do you have any comments specifically on the aggravating factors ‘Victim evicted from a property they resided in for a significant period of time?’ or ‘Conduct intended or likely to cause maximum or additional distress (for example, offence committed in the middle of the night)’?**

17. Propertymark welcomes the inclusion of clear aggravating and mitigating factors in the unlawful eviction and unlawful harassment guidelines for both individuals and organisations. We support the structured approach, which allows sentencers to take into account both the seriousness of the offence and the offender’s personal circumstances, ensuring sentences are proportionate and targeted. However, we do not consider the proposed aggravating factor relating to a tenant having lived in the property for a significant period of time to be relevant, as the duration of occupation does not change the unlawfulness of the offence or the culpability of the offender.
  
18. Alternatively, we do support the inclusion of conduct intended or likely to cause maximum or additional distress, such as committing the offence in the middle of the night, as an aggravating factor, reflecting deliberate attempts to increase harm to the victim. Propertymark also considers it important that sentencers take account of the number of offences committed. For example, persistent offending involving multiple low-level breaches should be treated as cumulatively increasing culpability or harm. In line with this, we suggest that an additional factor be included to recognise when low-level offences are committed without malicious intent, but where the offender demonstrates a willingness to engage with education or corrective measures. This would ensure proportionality while promoting improvement in practice and compliance with the law.
  
19. We support the wider list of statutory aggravating factors, such as previous convictions, offences committed on bail or licence, involvement of vulnerable persons, attempts to conceal evidence, and repeated offending, as well as mitigating factors such as expressions of remorse, cooperation with authorities, and personal circumstances as is consistent with earlier question responses. However, whilst we understand the rationale behind recognising the additional distress that may arise where a tenant has resided in a property for a significant period, Propertymark considers that duration of occupation should not “automatically” increase culpability. The core unlawfulness of eviction or harassment does not depend on length of residence. However, where demonstrable additional psychological, social, or financial harm arises directly from long-term occupation, this may appropriately be reflected within the harm assessment rather than as a standalone aggravating factor. One could argue someone that has resided in a home for 15 years and slightly more vulnerable rather than someone less vulnerable of only 6 months may exacerbate the situation for the victim so it should be “considered” as a factor.

**10. Do you have any comments on the guidance for obtaining financial information in the unlawful eviction and unlawful harassment guidelines for individuals and organisations?**

- 20. Propertymark welcomes the guidance in the draft unlawful eviction and unlawful harassment guidelines on obtaining financial information for both individuals and organisations. We support the principle that offenders should provide accurate and comprehensive financial information to allow the court to set fines or compensation that are proportionate, meaningful, and enforceable.
- 21. Propertymark considers that the proposed three-year period for financial disclosure is insufficient. We recommend that courts request up to five years of accounts, which aligns with existing statutory obligations, provides a more robust view of an organisation's financial capacity, smooths out year-to-year fluctuations in turnover or profit, and allows patterns of repeated offending to be taken into account.
- 22. We also welcome the guidance that courts may draw reasonable inferences where information is not provided or is incomplete, including for individuals, as this ensures that offenders cannot avoid appropriate financial sanctions. For smaller organisations, courts should retain flexibility to accept a shorter period of records where five years would be disproportionate.
- 23. Overall, Propertymark considers that requesting five years of financial information, consistent with AML requirements, would strengthen the guidance, promote fairness, and ensure that fines are proportionate, enforceable, and effective in promoting compliance.

**11. Do you have any comments on compensation (Step 3), confiscation (Step 4) or 'Ensure that the combination of financial orders (compensation, confiscation if appropriate, and fine) removes any economic benefit derived from the offending' (Step 5)?**

- 24. Propertymark welcomes the inclusion of clear guidance on compensation, confiscation, and the combination of financial orders in the draft unlawful eviction and unlawful harassment guidelines. We support the principle that sentencing should ensure that offenders do not gain an economic benefit from unlawful activity, while also ensuring victims are fairly compensated.
- 25. We strongly support the guidance that courts may make compensation orders even where no formal claim has been made, and that compensation can cover both financial loss and distress suffered by the victim. This appropriately recognises the real-world impact of unlawful eviction and harassment. Propertymark also agrees that where an offender has limited means, compensation to victims should take priority over other financial penalties, ensuring victims are not disadvantaged.
- 26. With regard to confiscation under the Proceeds of Crime Act 2002<sup>1</sup>, we support the guidance that the court should assess the financial benefit obtained from offending and consider setting

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/2002/29/contents>

a “default sentence” where payment is not made.<sup>2</sup> This ensures offenders cannot profit from criminal conduct and strengthens the deterrent effect of sentencing.

27. Propertymark also considers that Rent Repayment Orders (RROs), as updated under the Renters’ Rights Act 2025 to allow tenants to claim up to 24 months’ rent, are a particularly useful tool.<sup>3</sup> RROs help ensure that bad landlords do not directly profit from poor behaviour and provide an effective mechanism to compensate tenants for the financial impact caused by unlawful eviction or harassment. They complement compensation orders, particularly where the loss relates directly to rent paid during the offending period and reinforce deterrence for both individual and organisational offenders.
28. We recommend that for tenants who are in receipt of benefits, a different or adjusted compensation mechanism should be considered, so that these tenants are not disadvantaged by the interaction of fines, compensation, and benefit entitlements and because often their rent is sourced from housing benefit. This would ensure fairness and maintain the principle that financial redress is accessible to all victims. Overall, Propertymark considers that including clear guidance on compensation, confiscation, combined financial penalties, and RROs, while recognising the needs of tenants on benefits, provides sentencers with a practical and robust framework to ensure justice is achieved, victims are appropriately compensated, and offenders are prevented from financially benefiting from criminal conduct.

**11. Do you have any comments on compensation (Step 3), confiscation (Step 4) or ‘Ensure that the combination of financial orders (compensation, confiscation if appropriate, and fine) removes any economic benefit derived from the offending’ (Step 5)?**

29. Propertymark welcomes the inclusion of Steps 6–11 in the draft unlawful eviction and unlawful harassment guidelines for both individuals and organisations. We consider that these steps provide a clear and structured approach for sentencers to take into account reductions, totality, ancillary orders, reasons for sentencing, and credit for time spent on bail, helping to ensure that sentences are fair, proportionate, and consistent.
30. We support the guidance on reductions for assistance to the prosecution and for guilty pleas, as these align with existing principles in the Sentencing Code and encourage early engagement with law enforcement, which can reduce the burden on victims and the criminal justice system. The totality principle is also important to ensure that where multiple offences are being considered, or where an offender is already serving a sentence, the overall sentence reflects the seriousness of the offending as a whole
31. Propertymark supports the consideration of ancillary orders, including restraining orders and disqualification from acting as a company director, particularly in cases involving repeat or organisational offenders. These measures can help prevent further harm, protect tenants, and promote regulatory compliance in the lettings sector.

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<sup>2</sup> <https://www.legislation.gov.uk/ukpga/2002/29/contents>

<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2025/26/contents>

32. We also welcome the emphasis on providing reasons for sentencing and consideration of time spent on bail, which promotes transparency and accountability, ensuring that victims, offenders, and stakeholders understand the basis for sentencing decisions.
33. In addition, Propertymark considers that for cases involving low-level harm and low culpability, a factor reflecting the offender's willingness to undertake education or remedial training should be included. This could provide a constructive approach to addressing poor practice where offending is unintentional or results from lack of knowledge and could reduce the likelihood of repeat offending while supporting better compliance with housing standards. Overall, Propertymark considers that Steps 6–11 complement the earlier steps on culpability, harm, and financial penalties, providing sentencers with a practical and proportionate framework for sentencing unlawful eviction and harassment offences for both individuals and organisations.

**13. Do you have any comments on equality and diversity issues in relation to the unlawful eviction and unlawful harassment guidelines for individuals and organisations?**

34. Propertymark welcomes the recognition of equality and diversity issues in the unlawful eviction and harassment guidelines. We support sentencing taking into account any evidence of hostility or discrimination based on protected characteristics under the Equality Act 2010<sup>4</sup>, and we note that the Renters' Rights Act 2025 also prohibits discrimination against tenants in receipt of benefits and those with children. Where relevant, offending against these tenants should be considered alongside offences against other protected groups.
35. We also stress that all tenants should have access to fair remedies, including compensation and RROs, regardless of personal circumstances, and that financial penalties should not disadvantage tenants on benefits.

**14. Do you have any further comments on the unlawful eviction and unlawful harassment guidelines for individuals and organisations?**

36. We do not have any further comments. However, we would be delighted to meet the Sentencing Council if further clarity is required on any of our responses provided.

**Houses in multiple occupation (HMOs) - culpability and harm**

**15. Do you have any comments on the culpability factors and categories for the HMO offence guidelines for individuals and organisations?**

37. Propertymark generally supports the proposed differentiation of culpability for HMO offences for both individuals and organisations. We think that distinguishing between deliberate or systemic breaches, moderate failings, and minor or isolated errors allows for more proportionate sentencing and reflects the wide range of circumstances that can occur in the

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<sup>4</sup> <https://www.legislation.gov.uk/ukpga/2010/15/contents>

private rented sector. We think this approach will help ensure that sentences are fair and consistent.

38. We consider that failing to licence an HMO, where no other offences such as over-occupation or breaches of licence conditions are present, should generally be treated as a lesser culpability offence. Such failures are largely administrative in nature and may, in some cases, reflect the level of engagement or advertising of licensing schemes by the local authority rather than deliberate non-compliance. Provided there is no evidence of risk to tenants, the focus should be on education and guidance alongside any financial penalty. Conversely, where a failure to licence occurs alongside other breaches or evidence of poor management or systemic failings, this should clearly be treated as a serious offence with higher culpability and appropriate sanctions.
39. For low-level culpability cases more generally, particularly where failings arise from lack of knowledge rather than malicious intent, education and training should be considered as a mitigating factor alongside any financial penalty. For organisations, recognising systemic failings as high culpability ensures that larger landlords or management companies are held accountable for repeated or ongoing breaches, while minor or isolated breaches by organisations that have made reasonable efforts to comply should be treated proportionately. Overall, we consider that the three-tier culpability model for individuals and organisations is appropriate and will support consistent, fair, and proportionate sentencing for HMO-related offences.

**16. Do you have any comments on the harm factors and categories for the HMO offences guidelines?**

40. Propertymark generally supports the proposed harm factors and categories for HMO offences, recognising that differentiating levels of harm allows for more proportionate sentencing and reflects the range of circumstances that can occur in rented properties. The categorisation from serious adverse effects through to low risk provides clarity for sentencers in assessing the impact of the landlord's actions or inactions on tenants and others.
41. We note, however, that in cases where a landlord has simply failed to licence an HMO, there is generally little or no direct harm to tenants, provided there are no other breaches such as over-occupation or unsafe living conditions. In such cases, the harm experienced by tenants is minimal, and this should be reflected in the harm category when determining sentencing.
42. More broadly, Propertymark considers that recognising actual harm, risk of harm, overcrowding, and living conditions as separate elements provides a useful framework for assessing the seriousness of offending. Sentencers may also wish to consider reforms and criteria under the Housing Health and Safety Rating Scheme, the Decent Homes Standard, and compliance with Awaab's Law, alongside the factors set out in the guidelines, to ensure that the assessment of harm reflects current national standards and obligations. This will help ensure that penalties are proportionate to the level of harm caused.

**17. Do you have any comments on the fine levels for the HMO offence guidelines for individuals and organisations?**

43. Propertymark generally supports the proposed fine levels for HMO offences for both individuals and organisations. This is in line with our previous response on unlawful eviction and harassment, and we consider that the structure appropriately reflects proportionality, taking into account the level of culpability, the harm caused, and, for organisations, the size and turnover of the business. This approach provides clarity for sentencers while ensuring that penalties are scaled to the seriousness of the offence and the capacity of the offender to pay.
44. We also note that the guidelines provide flexibility for sentencers to adjust fines within the ranges based on aggravating and mitigating factors, which is appropriate given the variation in offending and organisational circumstances. The use of turnover for organisations as an indicator of financial capacity aligns with other sentencing frameworks and helps ensure consistency and proportionality in financial penalties.
45. For the most serious cases, however, Propertymark considers that custodial sanctions should not be discounted, particularly where warnings or previous enforcement action have been issued by local authorities. This ensures that repeat or deliberate offenders who create significant risk or harm to tenants face a deterrent proportionate to the seriousness of their offending.

**18. Do you have any comments on the aggravating and mitigating factors for the HMO offence guidelines?**

46. Propertymark agrees with the proposed aggravating and mitigating factors for HMO offences. We consider that the aggravating factors appropriately reflect serious failings, including poor compliance, cost-cutting at the expense of safety, obstruction of justice, and harm or risk to vulnerable tenants. These factors provide sentencers with clear guidance to distinguish more serious or repeated offending.
47. We also support the proposed mitigating factors, including cooperation with investigations, remedial action, and absence of previous relevant offences. For less serious cases, particularly where breaches are administrative or arise from lack of knowledge rather than deliberate disregard, we suggest that a willingness to undertake education or training should be considered as an additional mitigating factor.
48. Overall, the balance of aggravating and mitigating factors appears appropriate, and the approach is consistent with our responses to unlawful eviction and harassment offences, ensuring that sentencing is proportionate to the seriousness of offending while encouraging improved compliance and education where appropriate.

**19. Do you agree with the approach of a short guideline to cover the offence of breach of an overcrowding notice?**

49. Propertymark agrees with the approach of using a short guideline to cover the offence of breaching an overcrowding notice under section 139. Given the low volume of cases and the relatively low maximum penalty, a full detailed guideline is not necessary. A short guideline that references the main HMO sentencing framework provides consistency in assessing culpability and harm while reflecting the lower seriousness and penalty of this offence.

50. We also consider it helpful that the guideline makes clear that courts can follow the approach used for other HMO offences, ensuring that sentencing remains proportionate and consistent without creating unnecessary complexity. This approach aligns with Propertymark's broader support for proportionate, clear, and practical guidance for landlords and sentencers. Overall, a short guideline is a sensible and efficient way to address this low-volume offence while maintaining consistency with the wider HMO framework.

**20. Do you have any comments on equality and diversity issues in relation to the guidelines covering HMO offences?**

51. Propertymark acknowledges that certain protected groups, particularly those defined by race, may be disproportionately affected by overcrowding and poor standards in HMOs. We consider it important that tenants in these groups understand their rights and are aware of the standards they can expect.

52. We recommend that engagement with relevant community groups and stakeholders should form part of wider awareness-raising efforts, to ensure tenants are informed and able to report or challenge poor management practices. This approach supports fairness and helps ensure that all tenants, regardless of background, are protected under the law.

**21. Do you have any further comments on the guidelines for HMO related offences?**

53. We do not have any further comments, but we would be very happy to engage further with the sentencing council in relation to HMO offences.

**Housing standards - culpability and harm**

**22. Do you have any comments on the culpability factors and categories for the housing standards guidelines for individuals and organisations?**

54. Propertymark considers the proposed culpability factors and categories for the housing standards guidelines for both individuals and organisations to be a fair and reasonable approach. They appropriately differentiate between deliberate or systemic breaches and minor, isolated failings, providing a proportionate framework for sentencing.

**23. Do you have any comments on the harm factors and categories for the housing standards guidelines for individuals and organisations?**

55. Propertymark considers the proposed harm factors and categories for the housing standards guidelines to be appropriate. The focus on risk to individuals is clear and proportionate, and the inclusion of a third category for low-risk cases provides useful differentiation for less serious offences.

**24. Do you have any comments on the fine levels for the housing standards guidelines for individuals and organisations?**

56. Propertymark supports the proposed fine levels for the housing standards guidelines for both individuals and organisations. Using the same levels as for HMO-related offences provides consistency and helps ensure a proportionate and understandable approach to sentencing across housing offences.

**25. Do you agree that the fine levels should be the same for HMO-related offending and the other housing standards offences?**

57. We agree as potentially the impact and seriousness on the victim could be similar.

**26. Do you have any comments on the aggravating and mitigating factors for the housing standards guidelines for individuals and organisations?**

58. Propertymark generally supports the proposed aggravating and mitigating factors for the housing standards guidelines for both individuals and organisations. The factors appropriately reflect the seriousness of repeat or deliberate offending, while recognising circumstances where the offender has co-operated, remedied issues, or demonstrated positive conduct

59. We would also suggest that for less serious cases, a willingness to undertake education or training should be explicitly recognised as a mitigating factor. This could help encourage compliance and improve standards, particularly where failings result from lack of knowledge rather than deliberate disregard of the law.

**Housing standards - further steps and section 238**

**27. Do you agree with the approach of a short guideline to cover the offence of providing false or misleading information to a local authority?**

60. Propertymark would support the approach of a short guideline for the offence of providing false or misleading information to a local authority. This is a low-volume offence, and a concise guideline is appropriate while allowing courts to use the broader housing standards guideline as a reference.

61. We would emphasise, however, that there should be a clear distinction between cases where false information was provided deliberately or knowingly and those where it was supplied in error or due to misunderstanding. Offences arising from genuine mistakes should be treated differently from deliberate attempts to mislead a local authority.

**28. Do you have any comments on equality and diversity issues in relation to the guidelines covering housing standards offences?**

62. Propertymark acknowledges that equality and diversity considerations are important in relation to the housing standards guidelines. Requests from local authorities should take account of the needs of individuals and organisations, including providing information in accessible formats, so that all parties can understand their obligations and comply correctly. By taking these precautions, the likelihood of mistakes or unintentional breaches, as highlighted in our previous responses, is significantly reduced. This approach supports fairness and helps ensure that enforcement does not disproportionately impact any particular group.

**29. Do you have any further comments on the guidelines for housing standards offences?**

**Sexual offences**

63. Propertymark thinks there must be clear recognition of sexual offences arising within landlord-tenant relationships, particularly where there is an imbalance of power. For example, situations in which a landlord offers reduced rent or financial relief in exchange for sexual favours should be explicitly identified as exploitative and abusive. Consideration should also be given to how such arrangements may initially appear consensual but become coercive or unsustainable over time, ultimately disadvantaging the tenant.

64. With regards to protection towards landlords from tenant manipulation, while landlords operate in a professional capacity similar to agents, it is acknowledged that personal relationships may occasionally develop. In circumstances where genuine relationships subsequently break down, safeguards should also exist to protect landlords from manipulation. Specifically, there should be provisions addressing situations where a tenant may attempt to leverage a prior relationship to make retaliatory or unjustified claims against a landlord.

**Evidential Standards for Compensation Claims**

65. We are concerned regarding fictitious or exaggerated complaints by tenants, particularly claims for “stress and inconvenience” following a breakdown in relations. While redress schemes currently allow compensation under such categories, it is essential that awards are based on clear, substantiated, and verifiable evidence. Compensation should not be granted on the basis of theoretical, speculative, or uncorroborated claims; instead, a robust evidential threshold should be required.

**Disqualification beyond directorship**

66. We think that Section 30, which addresses disqualification from acting as a company director, is a positive measure. However, consideration should be given to extending this disqualification to prevent individuals from continuing to operate within the same industry in any capacity. Without such measures, individuals may circumvent restrictions by working through alternative organisations while continuing similar misconduct.

#### **Positive Alignment with Established Standards**

67. We think section 32 is a particularly strong provision and is commendable. Its similarity to established regulatory frameworks, such as driver standards under the Highway Code, provides a clear, structured, and accessible approach to expected conduct and accountability.

#### **Repeat Offending and Patterned Behaviour**

68. While ongoing training requirements are important, repeated misconduct should attract increasingly severe penalties. Where there is clear evidence of patterns of behaviour or deliberate targeting, this should be treated as an aggravating factor.

69. For example, a landlord may strategically market properties (e.g. through specific platforms, pricing, or locations) to attract particular individuals who may be more vulnerable to exploitation. In such cases, investigations should take a broader and more longitudinal approach, including a review of records over a minimum of five years, and where relevant, longer tenancy histories.

70. Additionally, credible testimony or evidence from historic cases even those beyond typical limitation periods should be considered where it demonstrates a consistent pattern of behaviour and is supported by strong, reliable evidence.

71. We would be very happy to review any guidance to ensure that it is relevant and appropriate to the industry prior to it being published.