

Labour's proposed reform of tenancies will create a bad...

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I wish I knew who was doing the thinking in Labour right now. If I did I might ask them to do better. The latest absurd thinking to come from it [suggests that the tenants of private landlords should be granted indefinite tenancies](#).

Don't get me wrong: I am totally in favour of providing private tenants with better protection. Current tenancies that allow eviction, even after long periods of occupation, are totally unjust. There needs to be significant reform.

But to move to the polar extreme, where landlords can almost never recover a property, will also create an injustice, and even hardship. Think about it. Let's presume the owner of a tenanted property dies and inheritance tax is due as a result. But the tenant cannot be asked to leave to ensure that the property can be sold to pay this. That is utterly unfair. And I doubt that a market in tenanted properties at anything like fair prices will develop: it did not in the past. So the result will be obvious: there will be lack of new properties to let and a disturbing rush of existing ones for sale.

And the resulting fall in prices may not be the panacea it also sounds like: it might leave millions of current property owners with negative equity and that is utterly unfair to them. Such transitions have to be gradual. Like it or not, that's the only way markets can handle such change without too many suffering injustice, many of whom will be far from wealthy because they will simply be existing owners of their own homes, laden with a mortgage they will find is way beyond its value.

So, what would I do? I think three months notice may be fair when the tenancy has been of less than 12 months duration. That should increase to 6 months after twelve months of tenancy, and then to nine months notice after 18 months of tenancy, and a year's notice at two years and so on until, I suggest, that after four years of tenancy notice required from the landlord should reach two years. That, I think, is the limit to what is required. I believe it possible for a person to move with two year's notice. I suspect longer notice than that is not ever going to be necessary. But it does give a landlord the chance to recover their property whilst giving a tenant ample time to reorganise their life. In other words, fair balance is created. That is always the quality of

a good law.

What we have is bad law.

But Labour's alternative would also be bad law.

I wish Labour could think these things through. Not doing so will cost them votes.

Update at 8.55am on 10 March:

I was a little surprised to find that this post suffered a furious backlash on Twitter last night. It came from a lawyer who tweets as @nearlylegal and who claims to write law housing policy for Labour and to be the 2018 legal aid housing lawyer of the year. I note that he also blogs. I have little time for those who do so without admitting who they are, which his website does not.<https://nearlylegal.co.uk/blog/>

The accusation this lawyer, hiding behind his veil of anonymity made was that I was a 'pillock'. My crime was to believe that Labour meant that when it said that it wanted to oblige private landlords to offer tenancies of indefinite length it meant it.

Apparently I should have known that loopholes to cover the issues I raised, such as the death of the landlord, would be included in such law, even though the briefing clearly said the intention was to seek to protect tenants from arbitrary eviction without having to give a reason. The examples of exemptions given were failure to pay rent or committing an offence in the property. These, as you will note, relate to tenant behaviour. I reasonably concluded that Labour, by announcing indefinite tenancies without hinting at exemptions for landlords, meant what it said. But apparently it does not. Exemptions for death of the landlord and even sale by the landlord may well end up in the Labour plan, apparently. And I can assure you, that from the tenant's perspective these will look like arbitrary events. And they will most definitely mean that indefinite tenancies are not on offer, despite Labour's claim.

But my Labour insider critic - who denied he was responsible for the poor thinking for which I said I was seeking the source - was adamant that I was the fool for not being able to differentiate an announcement of a policy intention from the policy itself. Because, apparently, they are quite different things.

Silly me. I thought that when Labour briefed the press, having had all the time in the world to do so since the government is utterly distracted, they might ensure that what they said might represent what they are going to do. But apparently not. And I am meant to know that. And to realise that the headlines secured as a result have been obtained under false pretences because it does not in any way relate to what Labour will apparently deliver. What is more, and somewhat condescendingly (and so tellingly), I am meant to rumble this but the electorate are not.

This, in my opinion and if it is true, is no way to do politics.

And if it is not true then my critic is dissembling and has not a shred of credibility left.

But either way if there is a patronising pillock here it is not me. I stand by my comments.

Labour needs to do a lot better. And to make sure that what it says makes sense. And is not meant to be read by some in society one way and by others another way.

And maybe it should pick advisers who can think logically and predict the consequences of what it is saying. Which was my original point.