

## The Ministry of Justice has launched a consultation about proposals to 'criminalise squatting'.

*The proposed criminalisation will have impacts on the most vulnerable people in society, will empower unscrupulous landlords and will burden the justice system, police and charities. It will impact our right to protest and the rights of tenants. All this at a time of cuts to frontline services including housing, cuts to housing benefit, rising house prices and rising homelessness.*

*Media coverage surrounding the proposed criminalisation is full of misinformation and misrepresentation. This factsheet has been created by SQUASH to provide any interested party with the key facts about the issue.*

### 1. Criminalising squatting will negatively impact some of the most vulnerable people in society.

THE UK IS IN THE MIDDLE OF A HOUSING CRISIS. SQUATTING IS NOT THE PROBLEM.

- Since 2006-7, house building completions in England have slumped dramatically to their lowest levels for nearly 90 years. Meanwhile housing prices are unaffordable. Large numbers of households can simply no longer afford their mortgage, arrears are rising and high levels of repossessions look here to stay for many years to come.
- Evictions relating to rent arrears rose by 12 per cent in 2010 compared to 2009.
- Housing experts are united: we are not building enough homes, the homes we are building are unaffordable, and the property market is unsustainable.

THE UK HAS AN EXTRAORDINARY NUMBER OF EMPTY HOMES AND EMPTY PROPERTIES. THAT IS THE REAL PROBLEM.

- In England alone there are an estimated 726,238 empty homes and the number is increasing.
- These homes could house 1.8m people if they were brought into use, far more than even the most generous estimates of squatter numbers – which is 20,000.

HOMELESSNESS IS ENDEMIC AND IS INCREASING, PARTLY THANKS TO THE GOVERNMENT'S EFFORTS.

- More than 42,000 households are officially homeless and 50,000 are living in 'temporary' accommodation and in priority need in England alone. Homelessness charity Crisis estimates that homelessness figures are closer to half a million people.
- The government's own statistics show that homelessness is rising dramatically, and is set to rise even more.
- An estimated 88,000 households will be badly affected by

cuts to Housing Benefit.

- The cuts pose particular concerns for young single people renting in the private sector as adults between 25 and 34 will no longer be eligible for the 1-bed allowance.

SQUATTERS ARE HOMELESS IN THE EYES OF THE LAW, AND SQUATTING IS A CRITICAL SURVIVAL STRATEGY FOR MANY HOMELESS PEOPLE.

- According to homelessness charity Crisis, 39% of single homeless people have squatted, and one in four homeless people have squatted 'as a direct response to a housing crisis since leaving their last settled home.'
- The proposed criminalisation is an attack on the most vulnerable people in our society at a time when the numbers of these people are rising.

### 2. The current laws on squatting are adequate. New laws are unnecessary, unaffordable, and unenforceable.

- It is already a criminal offence for a trespasser to refuse to leave a property if asked to do so by a displaced occupier or a tenant about to move in. The fact that the police have not intervened in the cases reported in the media illustrate that squatters had not occupied someone's home.
- Both commercial and residential property owners can use something called an Interim Possession Order (IPO). This makes it a criminal offence to remain in occupation of a property 24 hours after an IPO has been served on it. There is no requirement that an owner seeking an IPO must need to put the building to use immediately. Many properties served with IPOs often remain empty for months or years afterwards.
- Government statistics confirm that the criminal sanctions threatened by IPOs are effective – only one person per year since 2007 has been prosecuted for failing to comply with an IPO.
- Both home occupiers and those who use their non-residential buildings regularly are well protected by the current laws.
- It is already a criminal offence for a trespasser to refuse to leave a property after a 'displaced residential occupier' (i.e. someone who already lives in the property) or 'protected intending occupier' (for example a tenant about to move into a property) requests them to do so. The police can intervene to remove or arrest such trespassers. No court process is required, and there is no paperwork necessary for a displaced residential occupier to fill out. (Section 7 of the Criminal Law Act 1977) Non-residential property owners who regularly use their properties are also protected. They

can use something called an Interim Possession Order (IPO), under which it is a criminal offence to remain in occupation of a property after it has been served. Government statistics confirm that these are effective – only one person per year since 2007 has been prosecuted for failing to comply with an IPO.

- Squatters are hugely unlikely to choose an occupied home as an almost instantaneous conflict with the occupier is the last thing they need.
- Countless media stories that describe such a situation are dangerously and deliberately false or misleading, particularly in suggesting that the 'aggrieved homeowner' actually lived in the property at the time it was squatted.

#### THE PROPOSED CRIMINALISATION WILL BRING A HEAVY COST TO THE PUBLIC PURSE.

- Criminalising squatting will place an increased financial burden upon already stretched police resources.
- Squatters are homeless people who take control over their own housing needs. By removing squatting as an option, up to 20,000 more homeless people will require housing benefit, local authority housing, and help from both public and charitable homelessness services. Many of these are already dangerously over stretched.
- Squatters, contrary to media myths, are not eligible for Legal Aid in defence of trespass claims. However, should squatting become a criminal offence, some would become entitled to Criminal Legal Aid at a time when the budget for the service is being cut.
- The public purse will pay for the private gain of the property owner. Front line public services would be the first to suffer, and the burden will eventually be borne by the taxpayer.

#### A KEY ISSUE WHEN CONSIDERING THE CRIMINALISING OF TRESPASS IS WHO WILL ACT TO ENFORCE THIS AND ON WHAT BASIS.

- Criminalising squatting removes the need for a court process to determine rightful occupation of a property prior to eviction. It requires that the police adjudicate on the spot to determine rightful possession. The police have very little experience, resources and training to undertake this responsibility.
- Landlords and other property owners will leave themselves open to serious criminal charges such as assault and actual bodily harm, should they be encouraged to undertake evictions themselves.
- Article 8 of the Human Rights Act 1998 stresses the right of individuals to not be deprived of their home without due legal process of a democratic society.
- Both the police, enforcement companies, and members of the public could become open to law suits as a result of later civil claims for illegal evictions and, in the case of the police, unlawful arrest and false imprisonment.

### **3. Criminalising squatting threatens fundamental political rights and empowers unscrupulous landlords over tenants.**

CRIMINALISATION WILL BENEFIT THOSE WHO LEAVE PROPERTIES EMPTY, NOT HOME OWNERS.

- The only people who would benefit from the proposed

criminalisation are non-residential property owners who purposefully leave properties empty for financial gain through tax avoidance, speculating on property prices, and degrading a listed status. These empty properties, which could end homelessness overnight if brought into use, are committing the real crime in the UK housing system.

#### SOME OF THE LAWS THAT ARE UNDER THREAT WERE BROUGHT INTO PROTECT TENANTS FROM UNSCRUPULOUS LANDLORDS. THIS PROTECTION IS THREATENED BY THE PROPOSED CRIMINALISATION.

- The criminalisation risks an increase in illegal evictions, and tenants being branded 'squatters' by disreputable landlords.
- If the processes of protection that currently exist were removed, the accountability of landlords would spectacularly reduce.
- Corrupt landlords would be granted further powers to exploit those with vulnerable tenancies
- Local authorities confirm that there are 1,477 known landlords who are given them continued cause for concern and repeatedly making tenants' lives a misery, in England alone.
- Complaints about landlords are on the increase. Homelessness charity Shelter is currently running an 'Evict Rogue Landlords' campaign to draw attention to this major policy issue.

#### THE CRIMINALISATION OF SQUATTING AND THE PROPOSED NEW CRIME OF 'INTENTIONAL TRESPASS' COULD ALSO IMPACT OUR RIGHT TO PROTEST AND OCCUPY.

- Occupations of further and higher education buildings by student protestors are a vital and effective form of protest. During the debate around raising tuition fees in 2010, occupations occurred in over 34 of the UK's universities and colleges.
- Occupations by workers are similarly a fundamental form of protest which should be protected. Police responsibility to judge an occupier's status threatens the viability of such occupations.

*The proposed criminalisation impacts homeless people in the midst of a housing crisis; threatens fundamental political rights; and empowers unscrupulous landlords over tenants. New legislation is unnecessary, unenforceable, and unaffordable.*

*The Ministry of Justice consultation on squatting ends on the 5th October 2011. It is vital that your voice is heard.*

*For guidance on answering the consultation please see:*

*<http://www.squashcampaign.org/2011/08/squashs-guidelines-for-responding-to-the-consultation/>*

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