



Overcoming the Barriers to Longer Tenancies in the Private Rented Sector – response to consultation paper

(Ministry of Housing, Communities and Local Government)

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ABOUT AGE UK

Age UK is a national charity that works with a network of partners, including Age Scotland, Age Cymru, Age NI and local Age UKs across England, to help everyone make the most of later life, whatever their circumstances.

In the UK, the Charity helps more than seven million older people each year by providing advice and support. It also researches and campaigns on the issues that matter most to older people. Its work focuses on ensuring that older people: have enough money; enjoy life and feel well; receive high quality health and care; are comfortable, safe and secure at home; and feel valued and able to participate

ABOUT THIS CONSULTATION

The Government is consulting on extending the length of private rented tenancies to three years. The proposals include:

- a six month break clause allowing a probationary period for tenants as part of a three year tenancy agreement;
- limiting the frequency of rent increases with rent rises agreed between the landlord and tenant
- an improved redress system to make it easier to take forward a complaint.

The consultation recognises that the current arrangements, allowing no fault eviction after six months, is unsatisfactory and undermines the ability of tenants to make complaints to tackle disrepair and poor conditions.

It suggests three approaches to implementation either through:

- legislation;
- tax incentives;
- or on a voluntary basis.

SUMMARY RESPONSE

- Longer-term security of tenure is essential to making the private rented sector work for older people. **Lack of security and the threat of a forced move can have a negative impact on the health and wellbeing of older people.** If the private rented sector cannot deliver on security of tenure, measures to significantly increase the stock of social rented accommodation, both general needs and specialist, must be explored.
- **Although three-year tenancies would represent progress, it does not give sufficient security for the increasing numbers of older private tenants.** These tenants are unlikely to make the transition to home ownership and may be less able to manage frequent moves and rent increases. The private rented sector must offer them settled accommodation that meets their changing needs as they age. We also need to ensure provision allows the delivery of health and social care support.

- **Security of tenure strongly influences the ability of older and disabled people to have adaptations carried out on their homes.** Although three-year tenancies are a step in the right direction, this does not go far enough to promote adaptations and independent living. It would be insufficient to allow eligibility for a Disabled Facilities Grant. We also have concerns that the proposed six-month break clause will undermine the possible benefits of a longer tenancy model and mean adaptations are still very difficult to secure.
- The current review of the Disabled Facilities Grant (DFG) should examine how more older and disabled private tenants could receive help with adaptations. **The Government must address the barriers causing low take-up of the DFG in the private rented sector.**
- **Poor quality, insecure and expensive private rented accommodation has contributed to an increase in older homelessness. Increased security in the private rented sector combined with greater investment in social housing offering care and support services would be a better and more cost effective way of assisting vulnerable groups.**

BACKGROUND

The consultation paper acknowledges that 17 per cent of households in the private rented sector are over 55 years of age, with 9 per cent over 65. Further evidence indicates that based on current trends we are likely to see a continued rise in older private tenants making it increasingly likely that by 2040 a third of those aged over 60 may be living in private rented accommodationⁱ.

The sector is already failing to meet the needs of its older residents. We know that many older private tenants live in terrible housing conditions which affect their health and wellbeing. This in turn places further demands on health and social care services. We know that older homelessness is increasing and that low security of tenure in the private rented sector is the likely causeⁱⁱ. Without meaningful action by Government, these challenges will only increase as the number of older private renters rises.

Security of tenure is an issue for all renters, but the problems identified in the consultation document have particular relevance for vulnerable older people. Lack of security continues to hamper the ability of older people to obtain repairs, improvements and adaptations due to a fear of losing a tenancy or being subject to unfair or abusive behaviour. Unfortunately, this behaviour is not confined to a minority of ‘rogue landlords’ operating at the very bottom of the sector. It is symptomatic of the power imbalance between landlord and tenant, leaving older private renters with the very real fear of losing their homes or being subject to exorbitant rent increases.

Some older renters are house bound, spend a great deal of time in and around their home and often rely on a network of social and family connections for support. Moving home is disruptive, costly and reduces older people’s ability to make and retain these

connections, increasing the risk of loneliness and isolation. Often, it is not the move itself that creates pressure but the uncertainty of the tenancy which makes it impossible for the tenant to feel secure and treat their rented accommodation as a home.

OUR RESPONSE

1. Security of tenure and wider issues

The Age UK report '*Ageing in Squalor and Distress: older people in the private rented sectorⁱⁱⁱ*', and Age UK London's report '*Living in Fear – Experiences of Older Private Renters in London^{iv}*' both highlight problems some older renters have with the quality of their accommodation, unexpected rent increases, retaliatory evictions and their ability to adapt their homes. Among other recommendations, they call for greater security of tenure as a crucial component of addressing some of these concerns. We therefore support any moves to provide longer tenancies and believe this needs to be achieved through legislative measures, as the other suggestions are likely to be ineffective.

2. Disabled Facilities Grant (DFG)

A recent report by the Equality and Human Rights Commission (EHRC)^v noted problems for older and disabled people in the private rented sector because landlords are reluctant to allow adaptations. They also found that only seven per cent of grants go to private rented sector tenants. The Housing, Communities and Local Government Select Committee^{vi} report on older people's housing recommends improvements to ensure private tenants are able to get adaptations. They propose allowing local authorities to make discretionary payments to landlords to allow the removal of an adaptation. However, in our view this approach could create a postcode lottery and departs from the principle that everyone should have access to suitable and secure housing, regardless of geographical area.

In our view if all new housing complied with the Lifetime Homes Standard it would automatically increase the availability of adaptable accessible housing in the private sector. This would then reduce reliance on DFG and discretionary grants from local authorities. This is a longer term solution and in the meantime it is essential that older and disabled residents in the private rented sector have access to the DFG and other forms of assistance.

Another important barrier to adaptation is the restriction placed on DFG requiring the tenant to provide evidence that they intend to live in the property for at least five years^{vii}. This is compounded by buy-to-let mortgages stipulating tenancies of no longer than 12 months. Making longer tenancies the norm could help to resolve this problem.

3. Longer tenancies

Extending tenancies to three years would be insufficient to address the problems set out above and would undermine measures to improve the delivery of the DFG to private tenants. Extending the length of tenancies to five years or having an open-ended tenancy without the risk of 'no fault' eviction, as offered in Scotland, would ensure increased suitability for older people and families.

A five-year fixed-term tenancy would mirror the five years' intended residence necessary to secure a DFG award, but this would require a disabled tenant to make an application for a DFG at the point of signing a tenancy – any later and they may fail to secure a grant. This highlights the limitations of fixed-term tenancies in a sector that will increasingly be required to provide homes for life.

Failing this, the Government could pursue stronger measures and landlord incentives to expand the availability of properties let on assured tenancies - designed for older and disabled people and complying with higher accessibility standards. However, in the past incentives have failed - including model tenancy agreements designed to make it easier for tenants to negotiate longer tenancies^{viii}

In addition, the Government must commit to extending the availability of accessible, affordable homes in the social rented sector. For many social housing will be a better, less costly and more effective housing solution.

4. Preventing retaliatory evictions

Although the Deregulation Act 2015, is designed to prevent retaliatory evictions, it only gives the tenant six months' protection, and only after they have followed a specific and complex procedure. The effectiveness of the legislation is further restricted by the need for local authorities to take formal action on a complaint – the evidence suggests they are not resourced to do this^x. Implementation of the proposed tenancy model on a voluntary basis may help renters with landlords willing to offer the three year tenancy, but would not resolve problems for others in poor quality accommodation, where retaliatory eviction is more likely to occur. Given this, a legislative approach to implementing three year tenancies is the only workable option.

5. Older homelessness

We are concerned that insecure private rented accommodation, alongside benefit restrictions and rent increases, has contributed to an increase in older homelessness. Government figures show that people over 60 accepted as homeless by their local authority has risen to 2,520 compared with 1,170 in 2009/10. Vulnerable older homeless people can find themselves living in poor-quality insecure accommodation with little or no support. Addressing the security and quality of private rented housing could alleviate this situation, although social housing offering care and support to vulnerable groups is also an important part of the solution.

ⁱ <https://www.ageing-better.org.uk/news/english-housing-survey-figures-confirm-rise-older-people-renting>

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https://england.shelter.org.uk/media/press_releases/articles/eviction_from_a_private_tenancy_accounts_for_78_of_the_rise_in_homelessness_since_2011

ⁱⁱⁱ Available online: https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/safe-at-home/rb_oct16_ageing_in_squalor_and_distress_report.pdf

^{iv} <http://www.ageuklondonblog.org.uk/wp-content/uploads/2017/10/Living-in-Fear.pdf>

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- ^v EHRC (2018) Housing and Disabled People. Available online at:
<https://www.equalityhumanrights.com/sites/default/files/housing-and-disabled-people-britains-hidden-crisis-main-report.pdf>
- ^{vi} Communities and Local Government Committee (2018) Housing for older people
<https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/370/370.pdf>
- ^{vii} <https://www.gov.uk/disabled-facilities-grants/eligibility>
- ^{viii} <https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>
- ^{ix} <https://www.independent.co.uk/news/uk/politics/councils-rented-homes-99-per-cent-unsafe-generation-rent-properties-karen-buck-property-a8168896.html>