



A New Deal for Renting Resetting the balance of rights and responsibilities between landlords and tenants:

A consultation (Ministry of Housing, Communities
and Local Government)

Age UK response

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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 has put forward proposals to abolish 'no fault evictions' under Section 21 of the Housing Act 1988. This would end any new assured shorthold tenancies, with existing assured tenancies becoming the default in the private rented sector. The Government is also consulting on the use of fixed-term tenancies and whether a minimum length should apply, with the tenancy automatically converting to a periodic assured tenancy upon the expiry of the fixed term.

At the same time the Government wants to strengthen the grounds for possession and speed up the court process to make it easier for a landlord to evict a tenant in the absence of a no fault eviction. They also set out circumstances where court proceedings may be unnecessary through an accelerated process. It suggests strengthening existing grounds for possession as well as new grounds. This will include where a landlord or their family would like to move into a property or where the landlord intends to sell their property.

The Government argues that landlords' reliance on s21 reflects a failure in their ability to gain possession for justifiable reasons under existing legislation, which the consultation proposals seek to rectify. There will still be provisions to allow tenants to end their tenancy whilst retaining security of tenure.

BACKGROUND

In recent years, the private rented sector has grown significantly. It is now the second largest tenure having overtaken the social rented sector, containing 4.5 million households in England alone, representing 19 per cent of all housing tenuresⁱ. It has traditionally catered for students and young professionals as a stepping stone towards a permanent home. However, as it has expanded it now provides housing to young families as well as older people who are likely to remain in this sector for longer, with limited alternative housing options.

There are approximately 378,000 older households living in private rented accommodation in Englandⁱⁱ. Age UK estimates that this represents nearly three quarters of a million older peopleⁱⁱⁱ. Although this figure has remained relatively static in recent years there are strong indications that this number will significantly increase in the future. Official figures show a dramatic expansion in middle aged private

tenants and a large proportion of these are likely to remain living in the sector as they age, although this will depend on whether the Government supports affordable housing options for older tenants.

The private rented sector has the highest percentage of non-decent housing (25 per cent)^{iv} compared with other tenures. Vulnerable older tenants are more likely to have their health and wellbeing adversely affected by poor conditions. Since the publication of Age UK's report '*Ageing in squalor and distress*'^v, numerous organisations including Age UK London^{vi}, have set out in detail the range of problems experienced by older tenants, linked to insecurity of tenure. Problems and issues for older tenants are also reflected in advice inquiries made to Age UK and by in-depth interviews (which we conducted for this consultation response), profiled in Appendix 1. We believe the abolition of s21 will go some way to addressing these issues alongside other regulatory steps being taken by the Government which we support.

SUMMARY

- The Government should abolish 'no fault evictions' under Section 21 to make the private rented sector work for older tenants.
- Age UK opposes the use of fixed-term tenancies which would create confusion and unnecessary complexity.
- The Government must ensure that new or extended grounds for possession do not create a backdoor for the continuation of 'no fault evictions'.
- Reforms should be designed to make it easier for private tenants and private landlords to make home adaptations.
- Measures to speed up the courts should not undermine the ability of tenants to challenge possession proceedings through the courts.
- Improved security of tenure should be an essential part of a wider strategy to reduce older homelessness.

OVERVIEW

1. Abolition of no fault evictions

Age UK welcomes the proposed abolition of 'no fault evictions' which will dramatically improve conditions in the private rented sector whilst offering clear benefits to both vulnerable older tenants and responsible private landlords. Insecurity of tenure is tied to poor housing conditions that affect a growing number of older tenants and young families who require decent, affordable and settled accommodation. We agree that measures to strengthen and extend the grounds for possession, alongside faster court procedures, would make 'no fault evictions' unnecessary. **The proposal to abolish 'no fault evictions' has gained significant**

and growing public support. So far 36,676 people have signed our open letter to the Secretary of State supporting this reform.^{vii}

2. Fixed and periodic tenancies

We are opposed to the use of fixed-term tenancies as described in the consultation paper. We are unclear why the consultation includes this form of tenancy, which automatically converts into an open-ended periodic tenancy at the end of the fixed term. Although the consultation points out the possible benefits of this approach, such as agreement on a fixed level of rent, in our view the possible advantages are outweighed by the disadvantages.

A major disadvantage arises from the imbalance of power between tenants and landlords in negotiating terms. Fixed-term agreements (with additional contractual terms between the landlord and tenant) will result in confusion, misunderstanding and a subsequent increase in court action - which would be counter to the Government's objectives for reform. In addition, the use of fixed-term tenancies may result in 'no fault evictions' by the backdoor, with break clauses becoming a standard feature of agreements. While the consultation states that a landlord exercising a break clause will still have to seek possession of the property through the courts, it is unclear whether this would simply involve them invoking Ground 12 (any non-rent tenancy breach) or whether other grounds would have to apply.

This may result in numerous forced moves after only a short period of time, an increase in court action and continued reluctance by tenants to enforce their rights to adaptations and repairs, all of which run counter to the Government's stated policy aims. Again, we are doubtful that tenants will have the bargaining power or experience to be able to negotiate an agreement that meets their needs.

3. Accessibility and adaptations

The abolition of s21 will make it easier to secure adaptations and repairs to protect the health and wellbeing of older and disabled private tenants and allow them to live independently.

Under these reforms all older and disabled tenants will automatically be able to apply to their local authority for help with adaptations through the Disabled Facilities Grant (DFG). At the moment an applicant must demonstrate an intention to live in a property for 5 years^{viii}. Although local authorities have the flexibility to dispense with this requirement or to facilitate adaptations under separate powers, the landlords consent to installation will almost certainly be necessary under the terms of the agreement which is difficult to obtain within an insecure tenancy regime.

Age UK would like to see Government guidance^{ix} for both landlords and tenants to make clear the importance of accessible private rented housing that facilitates adaptations where they are required by the tenant. There is now recognition that accessibility across all tenures would reduce pressure on the health and social care system by aiding mobility and facilitating independent living.

We would ideally like to see a further strengthening of the obligations placed on private landlords to enable adaptations where this is practical and reasonable, particularly in relation to shared communal spaces within a property.

4. Listening to older tenants

We are concerned that this consultation is not in a format that is easily accessible to older tenants. In talking to older people about their views on the consultation many have found it difficult because of a lack of clarity around how the proposals might work in practice. This has confirmed our view that the complexity of the consultation and lack of a tenant-friendly version - outlining the main elements and objectives - has excluded many older tenants from sharing their views to help shape the outcome. MHCLG should have gone further to consider alternative ways of gaining their input.

5. Grounds for possession

We have some worries over the possible exploitation of reforms to the proposed grounds for possession by a minority of landlords. The Government needs to ensure its proposals do not create new forms of insecurity that undermine the huge benefits of removing 'no fault evictions'. For example, the Government must be clear about the level of evidence required where the landlord or their family intends to move into a property as a ground for possession – which should involve the discretion of the courts. There is insufficient detail to draw conclusions about how this would work in practice or what additional resources would be required to test the new grounds. We also oppose the amendment of the mandatory rent arrears ground (Ground 8).

6. Anti-social behaviour

Understandably older people have very strong concerns about anti-social behaviour (ASB) and the capacity of local authorities and the police to take action where mediation fails. This is a complex area covering a range of issues and circumstances, which requires an appropriate and proportionate response.

Private landlords should have some responsibility to address anti-social behaviour that affects their tenants by working collaboratively with their local authorities and the police service. Many problems regarding ASB are related to reductions in the capacity of local authorities or the police to act on behalf of the tenant or to deliver mediation services that could prevent low level anti-social behaviour from escalating. Although strengthening the law may be popular, without a strategy to improve the implementation of the existing legislation, it will not resolve the problems experienced by many older people.

7. Faster court proceedings

Clearly improving court procedures and consideration of a special housing court is important to the success of the Government's proposals to abolish 'no fault evictions'. The proposals to speed up possession proceedings must take into account vulnerable older people who may not have access to legal resources or advice.

There is a danger that dealing with certain grounds for possession under an 'accelerated' process could in some circumstances undermine the rights of vulnerable older tenants. We understand that tenants would retain the right to challenge an application made under accelerated possession, subject to a judge granting permission for a hearing. However, we are concerned that low public awareness of housing law and legal procedures, coupled with the inability to access legal aid for housing in some areas, may mean claims go unchallenged despite the tenant having a clear defence. This may affect vulnerable older people, whose vulnerability may be linked to the reason why possession is being sought in the first place.

8. Rents

We have pressing concerns that rising rent levels could continue to create insecurity for many older tenants despite the abolition of s21. In a Shelter poll of 3,995 private renters aged 55-64, 67 per cent said they would not be able to pay rent on a suitable home when they retire without needing housing benefit.^x But older people on fixed incomes receiving housing benefit are particularly vulnerable to the impact of escalating rents. To alleviate this problem the Government should immediately remove the freeze on Local Housing Allowance (LHA) which is now out of sync with increases in market rents. We regard the use of Discretionary Housing Payments as a stop gap measure towards a fairer system that responds to increases in market rents. We accept this consultation is not designed to address this problem. However, we would like the Government to review the position at the earliest possible time to address the financial hardships experienced by older tenants on fixed incomes.

9. Social sector tenancies

We support the removal of assured shorthold tenancies in the social sector. The use of assured shorthold tenancies by housing associations (and comparable fixed-term tenancies by councils) is designed to prevent anti-social behaviour by making possession easier. However, strengthening the existing grounds for possession and speeding up the court system should make these type of tenancies (or the use of demoted tenancies) redundant. At the same time, all new and existing tenants should be clear, through accessible information and guidance provided by the landlord, that if they break the terms of their tenancy agreement they may face eviction.

10. Older homelessness

Shelter research revealed that a quarter (25 per cent) of private renters age 65 and over worry about becoming homeless. They also found that 8,000 older people became homeless or were threatened with homelessness in the last year, a significant increase compared to previous years.^{xi} We believe this problem is strongly linked to insecurity of tenure and a lack of housing support to help vulnerable older people sustain their tenancy. The abolition of s21 is likely to help reduce older homelessness by preventing a recurring cycle of homelessness arising from insecure shorthold assured tenancies. But this is not sufficient by itself. We need to offer better alternatives to older people by increasing the supply of suitable

social housing with packages of care and support for vulnerable people to help them sustain their tenancy over the long term.

11. Domestic abuse

Age UK has found that more than 200,000 older people experience domestic abuse and a significant proportion of these are likely to be older tenants^{xii}. Because of the dispersed nature of older private tenants, improving links between the NHS and police to offer victims support and protection is even more important. We strongly support measures to give victims of domestic abuse the same rights across all tenures. We agree that the current Ground 14A should be amended to allow an abuse victim to remain safely in a property if they choose to do so. We agree with the principle that the victim should have control over the housing choices available to them.

OUR RESPONSE

Question 1: Do you agree that the abolition of the assured shorthold regime (including the use of section 21 notices) should extend to all users of the Housing Act 1988?

Yes - we support the abolition of the assured shorthold regime for the following reasons:

- s21 is one of the reasons that tenants have historically been less vocal about poor and unacceptable conditions in the private rented sector, compared to the louder professional bodies representing landlords. Giving tenants a stronger 'consumer' voice through the abolition of s21 will lead to improvements in the sector and will help to push out rogue landlords. This in turn will provide better value for money for taxpayers in relation to Housing Benefit expenditure.
- Part of improving standards in this sector relates to the ability of tenants to remedy complaints about poor and unsafe conditions – which 'no fault evictions' serve to undermine. The abolition of s21 resolves problems with the effectiveness of the 'retaliatory eviction' measures brought in by the Deregulation Act 2015. These are overly complex, require engagement with under-resourced environmental health departments and still only guarantee six months additional security. We welcome the Government's commitment to promote professional standards by supporting the Fitness for Human Habitation Act 2018, the regulation of property managers (which should be extended to private landlords) and the requirement that all private landlords belong to a redress scheme.
- We support the Government's argument that no fault evictions have resulted in a lack of trust and transparency in the sector. Increasing numbers of older people are seeking long term security in age friendly places that give access to local services - which these proposals will help to deliver.

If landlords are able to gain possession of their property via the strengthened and new grounds for possession there will be no need for a 'no fault eviction'. As it stands s21 allows criminal and unprofessional landlords to perpetuate sub-standard lettings because tenants are rendered powerless due to the fear of a 'retaliatory eviction'. Reform will help to push poor landlords out of the sector but will also support professional landlords who want to provide a good service for their tenants.

Question 2: Do you think that fixed terms should have a minimum length?

The Government should drop the proposals for fixed-term tenancies. They are confusing, unnecessary and counter to the overall objectives of the consultation. All tenancies should be open-ended assured tenancies to avoid the complexity, confusion and potential for abuse that might be created by this proposal.

Question 3: Would you support retaining the ability to include a break clause within a fixed- term tenancy

No. Part of our rejection of fixed term tenancies is because of break clauses. We understand the intention is to provide some flexibility to landlords and tenants and a chance for them to review tenancy arrangements. However, we have concerns that where a tenant does not comply with a break clause (and perhaps has been pressured by the landlord to agree a break clause in return for granting the tenancy) the tenant may be subject to possession on the grounds that they have broken their contract with the landlord. We believe it is unrealistic to expect that tenants will be in a position to negotiate this aspect. Break clauses could be used as a backdoor mechanism to gain possession despite the reassurances provided in the consultation paper.

Question 4: Do you agree that a landlord should be able to gain possession if their family member wishes to use the property as their own home?

Yes - it is reasonable for a landlord to gain possession after a fair period of notice (we would suggest 6 months) to provide housing for a family member. However, we are worried that widening the scope of family members who might qualify under this ground could create a backdoor mechanism to evict tenants without any intention for the family member to move in and take possession. The Government must be clear about how this ground would be implemented in practice and the level of evidence required for it to be granted by the courts. There should also be penalties if a landlord gains possession but fails to provide the accommodation to a family member for a reasonable length of time (i.e. the family member moves in for a short duration as a device for the landlord to unfairly take possession). Similar penalties should apply if the landlord fails to take up occupation themselves or fails to do so within a reasonable length of time.

We do not oppose this ground remaining mandatory, however, the issue here is the level of evidence provided to substantiate the claim. We support a high evidential threshold being put in place, to give tenants confidence that this ground will not be open to abuse. We also encourage the Government to consider the viability of making this ground subject to a proviso that suitable alternative accommodation must be made available for the tenant, if required, to prevent homelessness. A similar proviso should apply to a number of grounds under the secure tenancies regime.

Question 5: Should there be a requirement for a landlord or family member to have previously lived at the property to serve a section 8 notice under ground 1?

No – as above, we believe the main issues are the level of evidence required to substantiate a claim and the need to treat the tenant fairly by giving sufficient notice for them to find alternative accommodation. As above, we would also encourage the Government to consider the viability of making this ground subject to a proviso that suitable alternative accommodation must be made available for the tenant, if required to prevent homelessness.

Question 6: Currently, a landlord has to give a tenant prior notice (that is, at the beginning of the tenancy) that they may seek possession under ground 1, in order to use it. Should this requirement to give prior notice remain?

Yes - we agree that there should be a requirement of prior notice so that the tenant is clear about all the conditions under which they are taking up the tenancy.

Question 7: Should a landlord be able to gain possession of their property before the fixed- term period expires, if they or a family member want to move into it?

No. As stated we do not agree with the use of a fixed-term agreement. However, even with a fixed-term agreement a landlord should not be able to gain possession during the first two years of an assured tenancy under these grounds - unless there are special circumstances to be decided by the courts. There must be sufficient evidence provided under this ground and a reasonable notice period of six months.

Question 8: Should a landlord be able to gain possession of their property within the first two years of the first agreement being signed, if they or a family member want to move into it?

No. It should only be allowed after two years from the date when the tenancy agreement was first signed – unless there are special circumstances to be decided by the courts.

Question 9: Should the courts be able to decide whether it is reasonable to lift the two year restriction on a landlord taking back a property, if they or a family member want to move in?

Yes - but the restriction should remain the default unless there are special circumstances where the courts might intervene, such as hardship caused to the landlord or their family. However, the tenant still needs to be given sufficient notice to find alternative accommodation. Normally this should be six months – but the courts could have some discretion, depending on the circumstances.

Question 10: This ground currently requires the landlord to provide the tenant with two months' notice to move out of the property. Is this an appropriate amount of time?

No. Unless there are exceptional circumstances, the tenants should always be given six months' notice. An older or disabled tenant may have lived in the property over many years and adapted it to meet their needs. They must be given sufficient time to find alternative suitable accommodation. Ideally older tenants in this situation should be put in contact with a local agency to review their housing options and obtain help with finding alternative accommodation and with moving.

Question 11: If you answered No to Question 10, should the amount of notice required be less or more than two months?

It should be six months.

Question 12: We propose that a landlord should have to provide their tenant with prior notice they may seek possession to sell, in order to use this new ground. Do you agree?

Yes. The tenant should know all the circumstances that might result in possession.

Question 13: Should the court be required to grant a possession order if the landlord can prove they intend to sell the property (therefore making the new ground 'mandatory')?

No. This ground should be discretionary to allow the courts to consider all the circumstances as well as the evidence proving an intention to sell the property.

Question 14: Should a landlord be able to apply to the court should they wish to use this new ground to sell their property before two years from when the first agreement was signed?

No. This ground should only be available after two years from the date when the tenancy agreement was first signed. There should be discretion in special circumstances such as cases of hardship.

Question 15: Is two months an appropriate amount of notice for a landlord to give a tenant, if they intend to use the new ground to sell their property?

No. In our view this ground should require six months' notice unless there are special circumstances presented to the court.

Question 16: If you answered 'no' to question 15, should the amount of notice required be less or more than two months?

It should be six months.

Question 17: Should the ground under Schedule 2 concerned with rent arrears be revised so:

The landlord can serve a two week notice seeking possession once the tenant has accrued two months' rent arrears.

No. We do not agree that this ground needs to be strengthened. Doing so could place a large number of older and vulnerable tenants in an extremely difficult position, and in many cases render people homeless – this would be an unacceptable outcome. Stronger measures may result in more tenants losing their homes when a fair settlement could be made. There should be a reasonable level of flexibility to allow tenants the opportunity to settle their arrears. In the current climate many older tenants are struggling to meet rising rent demands. Unless there are

further reforms to address this problem stronger mandatory rules to tackle rent arrears will make the situation worse.

The court must grant a possession order if the landlord can prove the tenant still has over one months' arrears outstanding by the time of the hearing.

No. Given the factors that might lead to a vulnerable older tenant falling into arrears we support a flexible approach that allows the court to consider individual circumstances. If a tenant has made reasonable steps to pay off their arrears the courts should assess whether possession is reasonable. It is important that older tenants have access to debt counselling and money advice if they find themselves in arrears, and are given a much longer period to settle debts or reach agreement on how they will be settled.

The court may use its discretion as to whether to grant a possession order if the arrears are under one month by this time.

No. As above, we do not advocate changes to the existing mandatory Ground 8 (or other rent arrears grounds). Where arrears are under a month, the discretionary Ground 10 is available (or Ground 11 where there have been persistent delays in payment). We are aware of landlords applying on all three grounds where there are concerns that the requirements of Ground 8 will not be met at the date of the hearing.

Anti-social behaviour

Question 18: Should the Government provide guidance on how stronger clauses in tenancy agreements could make it easier to evidence ground 12 in court?

Yes. We support guidance but we are not sure how far this will improve the situation for older tenants experiencing anti-social behaviour, either from another tenant or a landlord. There are already strong measures to tackle anti-social behaviour which are not being applied. Many problems are related to reductions in the capacity of local authorities or the police to act on behalf of the tenant or to deliver mediation services to prevent low level anti-social behaviour from escalating. Although strengthening the law may be popular, without a strategy to improve the implementation of the existing legislation, it will not resolve the problems experienced by many older people.

Domestic abuse

Question 24: Should this new ground apply to all types of rented accommodation, including the private rented sector?

Yes.

Question 25: Should a landlord be able to only evict a tenant who has perpetrated domestic abuse, rather than the whole household?

Yes. We agree that only the tenant who has perpetrated the domestic abuse should be evicted and that the victim and other household members should be given protection from the abuser.

Question 26: In the event of an abusive partner threatening to terminate a tenancy, should additional provisions protect the victim's tenancy rights?

Yes.

Question 27: Should a victim of domestic abuse be able to end a tenancy without the consent of the abuser or to continue the tenancy without the abuser?

Yes. The victim should be able to end the tenancy or continue the tenancy without the abuser. It may not always be appropriate for a survivor to stay in the property so the Government should work with the domestic abuse sector to ensure the changes work to match the survivor's choices.

Question 28: Would you support amending ground 13 to allow a landlord to gain possession where a tenant prevents them from maintaining legal safety standards?

Yes. We support measures to protect tenant safety - however possession should be a last resort once all other approaches have been exhausted. Age UK has an example of an older tenant who prevented the landlord entering their home to carry out safety checks because they had previously faced abuse and harassment from that landlord. In these circumstances the courts need to consider why a tenant has refused entry before granting possession on this ground. We would expect all landlords to treat vulnerable tenants with sensitivity and respect in explaining the necessity of gaining entry to carry out safety checks. However, ultimately possession should be allowed to protect the safety and welfare of other tenants living in the same building or adjoining buildings.

Accelerated possession

Question 29:

Which of the following could be disposed of without a hearing? (Tick all that apply)

No to all of these because where a ground for possession is involved the court may need a hearing to determine whether the ground is made out and tenants, particularly those with vulnerabilities, may find it difficult to bring timely challenges due to limited legal knowledge and restricted access to justice. As previously outlined we would want tenants to have the right to a hearing in all these scenarios that is where:

- Prior notice has been given that the landlord, or a member of his family may wish to take the property as their own home.
- Prior notice has been given that the mortgage lender may wish to repossess the property.
- Prior notice has been given the property is occupied as a holiday let for a set period.
- Prior notice has been given the property belongs to an educational establishment and let for a set period.
- Prior notice has been given to a resident minister that the property may be required by another minister of religion.
- Reconstruction, demolition or other works need to be carried out, but cannot go ahead with the tenant in situ.
- The previous tenant has died, with the tenancy passing on to a new tenant who does not have the right to carry on with the tenancy.
- The tenant has been convicted of a serious offence in or around the property, against someone living in or around the property, or against the landlord.
- A tenant or occupant has been disqualified from occupying the property due to their immigration status.
- The tenant has significant rent arrears.
- The landlord wishes to sell the property

Question 31: Do you think that lettings below a certain length of time should be exempted from the new tenancy framework?

No

Question 45: Do you think these proposals will have an impact on homelessness?

Yes. They are likely to help reduce homelessness by offering permanent settled accommodation. We are concerned that recent Government statistics show a significant rise in older homelessness, which is likely to be indicative a larger hidden problem concerning insecurity of tenure. This is a major contributor to homelessness in the absence of more available social housing. However, improving security of tenure in the private rented sector is unlikely to fully meet the needs of most vulnerable older people, especially those who need housing or care support. In the long term we need to see a significant increase in the availability of social rented housing, including sheltered housing offering long term support.

Question 46: Do you think these proposals will have an impact on local authority duties to help prevent and relieve homelessness?

Yes. They could make an important contribution to breaking the cycle of homelessness but they need to be accompanied by an increase in the overall supply of affordable housing, resettlement services and supported housing.

Question 47: Do you think the proposals will impact landlord decisions when choosing new tenants?

They should not - assuming a landlord is able to gain possession in a reasonable timeframe where a tenant breaks the terms of the tenancy agreement. We would expect the reforms to improve standards across the sector and push out unprofessional landlords who may be more likely to discriminate against older and disabled people and other groups. We know from discussions with the National Landlords Association that good landlords see the benefits and opportunities associated with offering suitable and secure accommodation to older and disabled people.

The Government should conduct a review of the equalities legislation to assess whether it can protect prospective tenants from discrimination in this context. If not, then the law must be strengthened to avoid a similar scenario to 'No DSS' advertisements of the past, and to ensure that no-one is denied somewhere to live because of a personal characteristic.

Question 48: Do you have any views about the impact of our proposed changes on people with protected characteristics as defined in section 149 of the Equality Act 2010?

We are concerned that older and disabled people may be more vulnerable to discriminatory and abusive behaviour from a minority of private landlords. Improving security of tenure will make it easier for older tenants and other groups experiencing discrimination to seek help and support without the threat of a retaliatory eviction. Changes to increase the efficiency of the courts need to be accompanied by better advice and support to vulnerable older tenants and others who may not have access to legal resources. Improvements in the possession process to support landlords must not compromise the rights of older tenants.

Question 49: If any such impact is negative, is there anything that could be done to mitigate it?

These proposals need to be linked to:

- Increasing the overall supply of genuinely affordable social housing
- The removal of the current rent freeze on Local Housing Allowance and raising the threshold on payments – which have not kept pace with rent increases
- The application of new regulations and licensing requirements for property managers to be extended to all private landlords
- A national register of landlords, which should be linked to training and Continuing Professional Development requirements designed to achieve professional standards across the private rented sector.
- Better and easier access to home adaptations, including financial assistance
- Improvements in the delivery of care and support to older private tenants to help them sustain their independence
- Ensuring older tenants have access to legal help and advice. Simply assuming that people will use the legal system is inadequate.

Question 50: Do you agree that the new law should be commenced six months after it receives Royal Assent?

We would like to see these reforms taken forward as soon as possible, six months should be the maximum.

APPENDIX 1 – VIEWS OF OLDER TENANTS

This section gives quotes from a small number of in-depth interviews carried out by Age UK with older private renters, as well as a selection of responses from private renters who signed our petition.

We have removed references to location, but those taking part represent a balanced geographical spread of older tenants living outside London. Many of the points raised are reflected in the additional feedback we have received and in the support for our petition to help older tenants by ending no-fault evictions.

Interviews with case studies – main areas of concern to older tenants

We have grouped the quotes under a selection of key themes covered in our interviews.

1. Security of tenure – level of importance to older tenants and reasons why current system doesn't feel secure

The main issue which concerned almost all the private tenants we spoke to was insecurity and the fear of eviction. As well as the fear that rents may be increased, the overwhelming worry was that they may be asked to leave and find a new home at short notice. Two months' notice to quit, due to no fault on their part, and often with no assistance to find a suitable alternative, is a nightmare that many live with on a constant basis.

"I have a secure tenancy now and I am so relieved. I feel so much safer and I can decorate the house to make it my own. I feel more secure, more at home and more relaxed. I'm happy where I am now". (Ian, 69)

"Renting makes me feel insecure and worried because it isn't suitable for us as we grow older. If we needed to get a stairlift or other adaptations fitted, the landlord might just say no. I want to live somewhere that I feel settled and that I can finally put some roots down." (Karen, 65)

"It would be wonderful if you knew you could continue to live in your home for the long-term and didn't have the worry hanging over you all the time that you might have to move at short notice." (Jane and Andrew, 65 and 68)

"Well because of the short-term tenancy I have, the main disadvantage is the insecurity. My landlord is quite old. If he dies, his family may sell the flat and I might have to leave here with just 2 months' notice. I'd like to decorate it but it might be a waste of money. (If I could change one thing about my current housing situation) I would love a long-term rental agreement which gives me the security of knowing I can stay here as long as I am a good tenant, pay my rent on time and take good care of the property." (Kay, 66)

"(The one thing I would like) would be more peace of mind that you won't be evicted at short notice and have to find somewhere else to live. It can be traumatic for an older person." (Pam, 70)

“(The thing about renting privately is) “The uncertainty. Not knowing if or when your landlord might sell your home is the worst thing. In one flat I rented before this one, I was promised verbally that I could stay for at least 2 years, but she gave me notice out of the blue and I had to find somewhere else to live in a hurry. It was very stressful. I got no help trying to find another property. I was told by the council that there was nowhere to rent in terms of social housing in Chelmsford and private renting was my only option. Then I wasn’t sure if I would get housing benefit because my family were my landlords. It was a nightmare!” (Sue, 70)

2. Reaction to current system and the Government’s proposals

While tenant responses illustrate the need for greater security in the private rented sector, it proved extremely difficult to adequately communicate the Government’s proposals as they have been presented in the consultation document. The proposal for a **fixed-term tenancy** of a minimum length was presented. It was explained that terms and conditions would be fixed for this initial period, with the tenancy continuing on a rolling basis thereafter.

A couple of hypothetical scenarios were presented to illustrate what this proposal might mean for people like themselves, but it was evident from those interviewed that the complexities of the proposed changes baffled those we interviewed, making it difficult for them to give an **informed opinion** on whether or not the changes would improve security for private tenants. This compounds fears that older tenants will find it difficult to negotiate an agreement that works for them under a complex new system.

One or two interviewees admitted that they tended to ‘bury their head in the sand’ over what they would do in the event of being asked to leave at short notice by their landlord. One felt confident that she would be **able to find social housing** in the area without much difficulty (without actually having any experience of applying for this) while others felt the good relationship they enjoyed with their current landlord would ensure they would never be forced to find alternative accommodation at short notice.

The impression prevails that the **current system favours the landlord over the tenant**, and that this would probably continue to be the case for many tenants under the proposed system.

“If I was evicted I might have to move into social housing I suppose. (Is that available locally?) Yes, I think so - here in . . . there seems to be a lot of churn with the social housing properties – there are always people moving in and out. I’d say around here it was pretty good when it comes to social housing properties, but to be honest I haven’t tried to get on the housing list so maybe it would be harder than I imagine.” (Pam, 69)

“At the moment the private rental system favours the landlord over the tenant definitely. Though of course I have a really good landlord so I can’t judge. I know others not so lucky. It’s going to depend on how good the landlord is, and how good the tenant. There’s questions to be asked about the rights and responsibilities of

both (parties) I would say under the new proposals. It's up in the air. It's too ambiguous. There are so many different interpretations. And for older people with say dementia – well it would be a nightmare to understand.” (David, 80)

“(At present the system) definitely favours the landlord. Not my present one, but with one of my previous tenancies, my landlord assured me she wouldn't want the property back for at least 2 years so I spent money decorating it and everything. Then she wanted it back after I'd only been in there for a few months, and had only about 6 weeks to find somewhere else. I was terrified.” (Sue, 70)

“I can't see how the proposed changes will make it better for the tenant. I think the Government is just providing a framework which will further support the property owners/landlords because in practice, less scrupulous landlords will always find a way around the system. We need more than just bland consultations to change a system that is absolutely more in favour of the property-owner!” (Peter)

We also found concern about discriminatory behaviour towards older and disabled people receiving benefits.

*“Older people are less resilient than younger tenants, it is more scary for them to lose their homes. Another thing that needs looking at is the practice of not accepting **“people on benefits”**. I think private landlords should be more open to accept people like me – an older person on benefits. We're often thought of as a bad risk. “No pets, no smokers no benefit claimants”. I'm on benefits, Attendance Allowance and Pension Credit, but as a result I am much better off than many working people because I get more financial support. Yet being a benefit claimant it counts against me.” (Sue, 70)*

3. Access to advice about tenancy problems and legal services under the new system – knowledge of where to go for redress

There was little knowledge of tenancy rights under the current system and, linked to this, interviewees had no real sense of how to go about obtaining assistance under any new proposed system. There was a single mention of Citizen's Advice (and one mention of a local Age UK) and real concern they may need to foot the bill for a solicitor.

The consultation assumes that tenants will have easy access to legal support.

“(Although) in theory you are protected legally, it does sometimes seem one sided in favour of the landlord. For example, you don't get legal aid if you take them to court. In one of my previous privately rented flats my landlord was a nightmare. The house was damp, the doors didn't fit and close properly and I had to do all the repairs myself as he didn't do anything.” (Marian, 70)

4. Future requirements for adaptations in privately rented accommodation

One tenant was very reluctant to ask for adaptations in his privately rented house, even though his wife was now terminally ill:

“I have spent the last two and a half years worrying about eviction. My landlord is appalling and to be honest I would be scared to approach him for anything such as adaptations here because it could bring me face to face with him in my home and I don’t want any further confrontation. I can’t wait to get out of this place to be honest....” (Peter)

“(Adaptations) as you get older are more difficult to get installed in a rented property. I can understand the landlord’s point – he doesn’t want ramps and things installed if his tenant only stays a short time and then he wants to rent to younger tenants. But I could need these in the future. I don’t think my landlord would be too pleased if I needed to have a wet room installed in the future. He might not want to pay for that.” (Pam, 70)

“A neighbour can’t get his landlord to install a shower in his bathroom. He finds it difficult now getting in and out of his bath, so rather than ‘rock the boat’ with the landlord, he goes to his mother’s flat to have a shower twice a week! It’s not right that landlord can’t be forced to change the bath to a shower. Surely he has a duty of care? But he’s scared he might be evicted if he complains too much – and he can’t afford to take his landlord to court, so he has to do that.” (Janice, 67)

There was minimal awareness of the **Disabled Facilities Grant** and the general impression was that landlords would be unwilling to have major adaptations installed – and certainly unwilling to foot the bill for these. One tenant with mobility problems responded:

“No, I’ve never heard of this. Can I have details? My landlord has put a shower in over the bath for me but I need handrails as with my arthritis I am having problems getting in and out of the bath.” (Sue, 70)

5. Feedback from an older landlord

“(In response to landlords opposing getting rid of s21) I’d say don’t worry! With renting becoming more common and more people renting for life, it’s right that the law should be changed so tenants don’t live in fear of eviction. As long as a landlord can still access their property if they need to and there are mechanisms to remove a difficult tenant if you have one, then there’s no need for Section 21. Tenants should be able to feel secure and settled in their homes.” (Martin, 60)

Feedback from private renter signatories to our petition

Signatories who self-identified as private renters were invited to answer the following questions. **3,610 responses** were received. The following are a sample:

a.) What does it feel like knowing you could be evicted with two months’ notice and for no reason?

“Terrified I would end up homeless at 71.” (Christine, 71)

“Makes me feel I don’t dare complain to landlord in fear of eviction” (Derek)

“It is a constant worry especially at present as my husband is 77 and terminally ill.”
(Claire)

“It's a horrendous feeling. You never feel secure and your home never feels like your own.” **(Lauren)**

“We are in our mid 70s and now our landlord has increased our rent by 10% and has informed us that it will go up another 10% next year. We have been here for 15 years and the thought of having to move is making my wife sick with worry.” **(Robert, mid 70s)**

“Anxious, stressed and worry everyday a letter could come through the post and have to start looking for another property to rent.” **(Anne)**

b.) If you knew you could stay in your property for the foreseeable future, what difference would it make to your life?

“It would alleviate some of the worry about getting older. It's hard enough trying to live on state pension without the prospect of becoming homeless.” **(Christopher)**

“Now my wife is seriously ill, it would provide us with a little peace of mind, knowing we had a secure tenancy.” **(Stephen)**

“Give me the security I need that at 94 years old I will be able to stay in my home.”
(James, 94)

“I am completely on my own so to know that my home is safe for the foreseeable future would make me feel so much more settled.” **(Elaine)**

“Knowing that I could remain in this property for the rest of my life would be wonderful! I'm 82 years of age and knowing that my situation is secure for my remaining years would be a relief.” **(Gordon, 82)**

“If I knew I could stay here until I went out in my box it's one less major thing to have to worry about at 65 life's too short to have to worry if you're going to lose the roof over your head every day before you go to sleep it's bad enough having to worry if you can afford to pay all your bills.” **(Denise, 65)**

APPENDIX 2 – OPEN LETTER TO THE SECRETARY OF STATE

This petition letter to the Secretary of State has so far has received **36,676** signatures.

Dear Secretary of State,

Dangerous living conditions and the threat of eviction are putting older people who privately rent their homes at risk, at a time when many need stability most.

We urge you and the Government to give older renters the security they deserve by ending no-fault evictions so we can all have a safe place to grow old.

Yours sincerely,

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REFERENCES

- ⁱ MHCLG (2019) English Housing Survey Private rented sector, 2017-18. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817630/EHS_2017-18_PRS_Report.pdf
- ⁱⁱ Ibid.
- ⁱⁱⁱ Age estimate based on the EHS private sector, 2017-18
- ^{iv} MHCLG (2019) English Housing Survey Private rented sector, 2017-18. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817630/EHS_2017-18_PRS_Report.pdf
- ^v Available online at: Ageing in squalor and distress
- ^{vi} Available at: 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
- ^{vii} Available online: <https://campaigns.ageuk.org.uk/page/49168/petition/1?locale=en-GB>
- ^{viii} Available at: <https://www.gov.uk/disabled-facilities-grants/eligibility>
- ^{ix} The Home Adaptations Consortium guidance recommends that ‘every attempt should be made to secure the landlord’s approval and in appropriate circumstances authorities should be prepared to assure the landlord that if requested, they will ‘make good’ when a tenant no longer requires the adaptation.’
- ^x Shelter press release (10/10/19)
- ^{xi} Ibid.
- ^{xii} Age UK (2019). No Age Limit: The Hidden Face of Domestic Abuse. Available at: <https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/id204298-domestic-abuse-a5-booklet.pdf>