

# Campaigns briefing

Can't complain: why poor conditions prevail in the private rented sector

Shelter

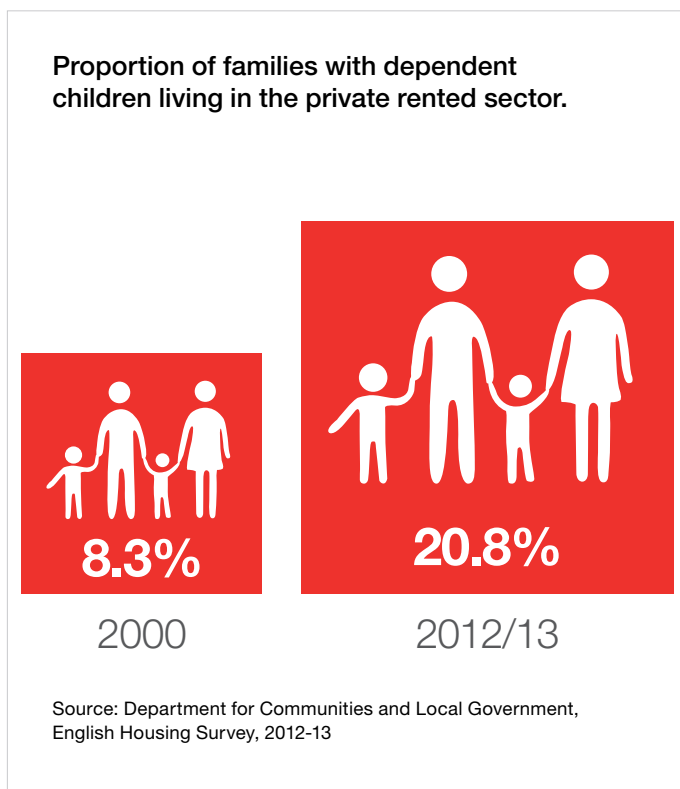
## Introduction

Private renting is fast becoming the new normal. Across England, more than 9 million people now live in private rented housing.

With home ownership increasingly out of reach, and not enough social homes available to meet the need, many families are now renting privately for the long term. Nearly 50 per cent of growth in the sector over the last two years comes from families with children, who now make up nearly a third of private renting households.<sup>1</sup>

But too many private rented homes are simply not fit for families. One in 33 (3 per cent) renters reported that they currently rent from a rogue landlord, while a further one in 20 (5 per cent) said that they've done so in the past 12 months.<sup>2</sup> Homes in the private rented sector are more likely than other forms of housing to have a serious problem with damp, be in a dangerous state of disrepair, or fail to provide adequate warmth.

A key reasons why so many private rented homes are in such poor conditions is that many renters fear that reporting a problem will result in eviction or other forms of retaliatory action, such as landlord harassment.

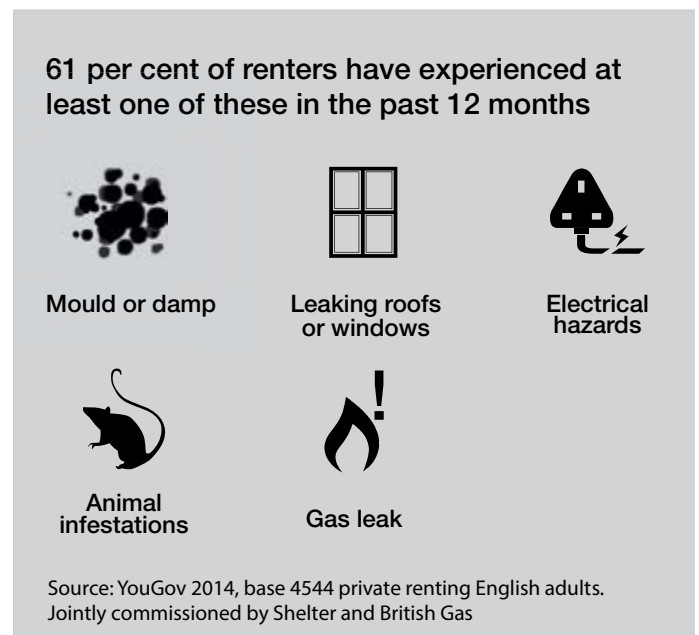


**The proportion of families living in the private rented sector with dependent children has more than doubled since 2000.**

## Unacceptable conditions

Thirty three percent of privately rented homes fail to meet the government's Decent Homes Standard. This compares to just 15 per cent of homes in the social rented sector, and 20 per cent owner-occupied homes.<sup>3</sup> Nearly one in five privately rented homes contain a Category 1 hazard (which means it has been assessed by environmental health officers as posing a serious danger to renters).

In the past year, more than six in ten renters (61 per cent) have experienced at least one of the following: damp, mould, leaking roof or windows, electrical hazards, animal infestation and gas leaks.<sup>4</sup>



Ten percent of renters said their health had been affected in the last year because their landlord had not dealt with repairs and poor conditions in their property. And nine per cent of private renting parents said their children's health had been affected.<sup>5</sup> Almost one in six councils in England said private landlords' neglect of property had required health services to intervene.<sup>6</sup>



## Why are things so bad?

Renters are entitled to ask their landlord to carry out repairs and improve conditions in their homes. They can also report poor conditions to their local authority, which has a responsibility to inspect the property and, where necessary, serve an Improvement Notice requiring works to be carried out. Shelter has been fortunate enough to talk to a wide range of local authorities using innovative and cost-effective techniques to tackle rogue landlords and improve their local private rented sector.<sup>7</sup> However, many local authorities are facing budget cuts, and environmental health teams are not always sufficiently resourced to carry out proactive inspections and enforcement work.

As a result, local authority teams are increasingly reliant on complaints from renters to carry out their work. Yet our research found that as few as eight per cent of renters have complained to their local council.<sup>8</sup> Shelter has long stressed that the main barrier to renters reporting problems is the lack of protection from retaliatory eviction or other forms of retaliatory action, such as landlord harassment.

Our research shows:

- **renters fear retaliatory eviction** – one in eight renters (12 per cent) have not asked for repairs to be carried out in their home or challenged a rent increase in the last year because they fear eviction.<sup>9</sup>
- **renters do suffer retaliatory eviction** – one in 33 renters have been evicted, served notice or threatened with eviction in the past five years because they complained to their landlord or local council about a problem in their home. That is 324,172 renters a year.<sup>10</sup>

### 1 in 8 fear retaliatory eviction



Source: YouGov 2014, base 4544 private renting English adults. Jointly commissioned by Shelter and British Gas

12% of renters have not asked their landlord to carry out repairs or challenged a rent increase because they fear retaliatory actions.

## Greg and his family's story



**'We lived in our home for two-and-a-half years. My eldest was coming up to his exams, and we had him set up in a local school with extra lessons and special measures for his Asperger's. We'd had some trouble in the house with damp and mould, so I reported it to the landlord. Three weeks later, he served us an eviction notice.'**

**'Now we have nowhere to go, and have come to Shelter for help. I don't want to have to move my son from his school as it'll affect him pretty badly, and put him back at least a year. We haven't been able to hide it from the other kids so they're feeling the stress too. It's extremely frustrating, especially when we didn't do anything to cause it.'**

**'This just shouldn't be allowed.'**

## What can be done?

There is currently no specific legislation in place to protect renters who report poor conditions to their landlord or local authority from being evicted. The UK is out of step with other jurisdictions in providing such weak protections for renters. The government is right to consider restricting the use of Section 21 Possession Notice as part of its review of property conditions in the private rented sector.

### Shelter recommends:

#### **Renters who report poor conditions to their landlord and are subsequently served a Section 21 Notice, should have the right to appeal the eviction notice.**

- If a renter is able to provide evidence from someone who is trained in the Housing Health and Safety Rating System to show that there are Category 1 or 2 hazards present in their home, and that they made a complaint to their landlord or someone who works on their behalf (eg letting agent) before the notice was served, then the notice should be treated as invalid. The landlord should not be able to serve a valid Section 21 Notice for six months subsequently.

#### **An Improvement Notice or Emergency Remedial Action should serve to automatically prohibit a Section 21 Notice being served for six months**

- The fear of retaliatory eviction is more prevalent than the practice. In order to provide renters with the confidence to report poor conditions, Shelter recommends that if a renter complains to their local authority which then serves an Improvement Notice or takes Emergency Remedial Action, landlords should automatically be prohibited from serving a Section 21 Notice. If a Section 21 Notice is served before the local authority has taken action, it will be suspended. The landlord should not be able to serve a valid Section 21 Notice for six months subsequently.

#### **A Hazard Awareness Notice should serve to automatically prohibit a Section 21 Notice from being served.**

- Many local authorities do not serve a landlord with an Improvement Notice if they find Category 1 or 2 hazards in a property. The Housing Health and Safety Rating System enforcement guidance advises that it might be appropriate to wait before serving the Notice if the local authority is confident that the landlord will take remedial action quickly. Instead, officers are advised to use a Hazard Awareness Notice.<sup>11</sup> Shelter proposes that this Notice should also automatically prohibit landlords from serving a Section 21 Notice for six months in order to prevent renters from being evicted before the landlord has considered how to respond to the Notice. If a Section

21 Notice is served before the local authority has taken action, it will be suspended.

### Extending the use of Rent Repayment Orders

Many people will simply move out of their homes rather than complain. This often means that homes are continuously let in a poor condition to renters for shorter periods, and standards are never improved. As part of its review, the government is also considering the scope for requiring landlords to repay rent where a property is found to have serious risks to health and safety. This would apply to renters who have left the property as well as current occupants. Shelter strongly supports this proposal. It would be an important measure that would penalise rogue landlords who continuously let out properties in poor condition to renters who feel that they have no choice but to leave the property.

Our research shows that:

- nearly seven in 10 renters (68 per cent) would report their landlord to their council to recover their rent or Housing Benefit if their property was in a poor condition, and could cause them or their household serious harm.<sup>12</sup>
- twenty seven per cent of renters would only report their landlord to recover their rent if they knew they could not be served an eviction notice.<sup>13</sup>

## What can councils do?

- The government has launched a review into poor conditions in the private rented sector. It is considering how best to protect renters who complain about poor conditions from retaliatory eviction and whether to extend the use of Rent Repayments Orders. We urge local authorities to: use this opportunity to let the government know how retaliatory eviction impacts upon your work and on renters in your area, and whether you think Rent Repayment Orders would help deter landlords from letting out properties in poor conditions.
- Share your experience of the impact of retaliatory eviction and poor conditions in your authority with Shelter. This will help us to convince the government of the need for legislative changes to help protect renters who complain about poor conditions in their home.

**For more information on this and Shelter's current '9 million renters' campaign, visit [shelter.org.uk/9millionrenters](http://shelter.org.uk/9millionrenters) or email [martha\\_mackenzie@shelter.org.uk](mailto:martha_mackenzie@shelter.org.uk)**

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1. DCLG English Housing Survey 2012-13 Table 1: Demographic and economic characteristics.
  2. YouGov online survey of 4,544 English Private Renters. Fieldwork was conducted between 11 December 2013 and 16 January 2014. The figures have been weighted and are representative of all private renters in England (aged 18+). All population estimates have been calculated by Shelter. Commissioned by Shelter and British Gas.
  3. DCLG English Housing Survey 2012-13. Table 13: Non-decent homes by tenure 2012.
  4. YouGov 2014, base 4544 private renting English adults. Commissioned by Shelter and British Gas.
  5. Ibid.
  6. Shelter Freedom of Information request July 2012. This asked thirteen questions concerning complaints received concerning private rented accommodation and subsequent enforcement action against private landlords. Out of the 326.
  7. [Shelter, What works, tackling rogue landlords and improving the private rented sector, 2013.](#)
  8. YouGov 2014, base 4544 private renting English adults.
  9. Ibid.
  10. Ibid.
  11. The Office of the Deputy Prime Minister, Housing Health and Safety Rating System, Enforcement Guidance, Housing Act 2004, Part 1: Housing Conditions, February 2006. P.10
  12. YouGov 2014, base 4544 private renting English renting.
  13. Ibid.

Shelter helps millions of people every year struggling with bad housing or homelessness – and we campaign to prevent it in the first place.

We're here so no one has to fight bad housing or homelessness on their own.

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Shelter  
88 Old Street  
London EC1V 9HU

0300 330 1234  
[shelter.org.uk](http://shelter.org.uk)



Shelter's 9 million renters campaign is run with the support of British Gas, as part of our partnership to improve the conditions of privately rented homes.

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