

Research: report

A route to homelessness?

A study of why private sector tenants become homeless



Shelter

Foreword

Eddie MacDonald



The private rented sector (PRS) is playing an increasingly vital role in providing homes for people across all incomes. In many cases, this works well for both landlord and tenant. But significant problems remain in some parts of the PRS, especially at the bottom end of the sector. This report, independently researched and written by Julie Rugg from the Centre for Housing Policy at York University, provides stark evidence of these problems and the impact they have on some of the most vulnerable tenants. Julie herself describes the very worst of this accommodation as ‘slum renting’: the very existence of which is a travesty in 21st century Britain.

More widely, the report highlights systemic failures that repeatedly let down low-income tenants: poor quality property and a lack of mechanisms to encourage landlords to undertake repairs; problems with the housing benefit process, leading to discrimination against claimants in the lettings market and rent arrears; and inadequate regulation of houses in multiple occupation, even where local authorities have powers to act. Equally, landlords raise the issue that some tenants need additional support in order to sustain their tenancies, and if the landlord is unable or unequipped to provide this, then these tenancies are effectively set up to fail.

Given the evident need for change presented here, it is encouraging that the PRS is rapidly rising up the wider housing policy agenda. Julie Rugg has drawn a number of conclusions in this report, and Shelter will be considering these carefully as we develop our own policy and good practice work. However, one thing is abundantly clear: the PRS does not work well for everyone. We still have work to do to make the PRS a viable option for everyone, and now is the time to do it.

A handwritten signature in black ink that reads "Adam Sampson". The signature is written in a cursive, flowing style.

Adam Sampson
Chief Executive, Shelter

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Julie Rugg, Centre for Housing Policy

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Contents

Summary	6	Slum renting	21
		Crime in shared property	21
		Crime in the neighbourhood	22
Introduction	7	Landlords' views on tenancy terminations	23
Homelessness and the PRS	7	Landlord survey	23
The termination of tenancies	7	Letting at the bottom end of the PRS	23
Research objectives	8	Tenancy termination	24
Research methods	8	Rent arrears	25
		Housing benefit administration	25
Routes into low-income private renting	10	Antisocial behaviour and shared property	25
Low-income tenants in the PRS	10	Property disrepair	26
Routes into low-income renting	11	Slum landlordism	26
Low-income renting: the options	12		
Low-rent locations	13	Conclusion	27
		Termination of tenancies: a question of data	27
		Renting on a low income: the options	28
Landlords ending tenancies	14	Recommendations	29
Landlord's sale of the property	14		
Illegal eviction, harassment and landlord criminality	15	Appendix: methodology	32
Tenant culpability	15	Respondent details	32
		Tenant interviews	32
		Landlord focus groups	32
Property standards	16	Interview method	33
Conditions in the PRS	16		
Property condition and tenancy termination	16		
Housing benefit and affordability	18		
Housing benefit in the wider rental market	18		
The housing benefit market	18		
Affordability	19		
Changes in household circumstances	20		
Family expansion and partnership formation	20		
Relationship breakdown and domestic violence	20		
Loss of earnings	20		

Summary

The private rented sector (PRS) is growing in size, and a number of policy interventions have placed emphasis on the use of private rented accommodation for households in housing need. Questions remain about the ability of the sector to provide a long-term, good quality, affordable home to people on low incomes. Around 15 per cent of households accepted as homeless gave the ending of their assured shorthold tenancy as the reason for the loss of their last settled accommodation.

This research seeks to understand why tenancies in the PRS come to an end, resulting in some tenants experiencing acute housing need. Some respondents – many of whom were living in hostels, or using homeless day centres – said that they themselves had taken the decision to leave. Often the end of the tenancy reflected a ‘crisis’ situation, but it was evident that the circumstances in which the tenant came to be renting often dictated the outcome of the tenancy.

The PRS contains a number of ‘niche’ markets, and tenants fare differently according to where in the market they are able to find property. At the very bottom end, extremely poor property condition often means tenancies come to an end because the tenancies are simply unsustainable. In the ‘middle’ part of the PRS, it is difficult to keep tenancies going where it becomes necessary to claim housing benefit: landlords can be unsympathetic with regard to delays in processing payments. A less risky part of the market is the ‘housing benefit’ market, where landlords are more willing to accept benefit payments, but where properties can be in short supply.

In this study, the single biggest reason for tenancies coming to an end related to poor property condition. Some tenants had taken properties in more or less ‘slum’ condition, because of the inability to secure any alternative accommodation. These properties often had basic structural defects: for example, they were damp or expensive to heat because of ill-fitting windows. Landlords promised improvement which never materialised, or did not respond to requests for repair. Sometimes the tenants left because conditions were affecting their health. In some cases, fire, theft-damage or even partial collapse made the property uninhabitable.

For many respondents, renting at the very bottom of the PRS also increased the likelihood that they would be living in property located in areas with high crime rates. Some of the respondents had left tenancies suddenly as a consequence of harassment or personal attack. In other cases, burglary or the property becoming associated with drug-dealing also led to tenants deciding to move out.

Delays in the housing benefit process were another substantial problem. Some of the respondents had managed to secure property while they were working, and so were living in the ‘wider’ rental market. Following a loss of employment or a dip in income, it became clear that the landlord was unhappy about delays in the housing benefit process. Some respondents who had – through no fault of their own – fallen into rent arrears were asked to leave.

The landlords who were interviewed said that, in their experience, tenants themselves terminated most of the tenancies that came to an end. The landlords said they took active steps to encourage tenants to stay who took care of property and paid the rent regularly. However, where tenants were given notice to quit, chronic rent arrears were the commonest reason. Landlords with properties at the bottom end of the sector indicated that, where tenants were not regular with their rent payment or displayed antisocial behaviour, then the landlord might be less willing to deal with requests for repairs, as a way of encouraging the tenant to move out.

Introduction

It now seems safe to conclude that the gradual, century-long decrease in the size of the PRS has come to an end. Between the late 1980s and early 1990s, the sector had reached its lowest level, accommodating nine per cent of households. By 2006, this proportion had increased by one-third, to 12 per cent.¹ Although the sector is still small compared with the other principal tenures, many people's housing experiences now include a stay in private renting. This report reviews the evidence of links between the incidence of homelessness and the termination of tenancies in the PRS. Tenancies come to an end for a number of reasons, and some of the principal ones are outlined here, as context for the study.

Homelessness and the PRS

Local authorities in England routinely collect data that monitor applications from households who are homeless and seeking social housing. As part of this process, information is collected on reasons for the loss of the last settled home. The proportion of homeless acceptances where the household reports the end of an assured shorthold tenancy has remained stable, being around 13 to 16 per cent in the years 1997 to 2007.²

A 2004 review of local authorities' homelessness strategies indicated that the loss of private sector tenancies was regarded as one of the three principal causes of statutory homelessness.³ However, there remained a lack of clarity in understanding the nature of the problem. The review did acknowledge that problems with housing benefit may be an issue, and preventive strategies were highlighted that included initiatives taken by local authorities to minimise delays in the processing of housing benefit for certain categories of applicant.

The termination of tenancies

The PRS is the tenure with the highest level of mobility. The *Survey of English housing 2005/6* found that 38 per cent of private renters had been resident for less than a year, a figure that compares with five per cent of owner occupiers and nine per cent of social renters.⁴ Mobility in the sector reflects one of its principal uses: that of a temporary stopping point. For example, households often stay in the PRS if they move from one part of the country to another as part of work relocation; and again, households may rent for a short period as they sell one owner occupied property and buy another.

For other households, stays in the PRS may be longer and perhaps reflect difficulties with accessing the two other tenures. Many households on low incomes and in circumstances that do not convey any level of priority for social housing, are reliant on privately rented property as their principal housing option. For these households, tenancies may end for a number of reasons. It is perhaps worth stressing that tenancies are rarely terminated purely because a tenant has come to the end of an assured shorthold tenancy (AST). An AST gives the tenant the legal right to live in a property for a fixed period, after which the landlord has the guaranteed right to repossess. If the AST is not renewed, then the tenancy becomes a periodic tenancy, rolling from week to week or month to month. Landlords have to give two months' notice in order to repossess a periodic tenancy. Although ASTs provide less security of tenure compared with, for example, social housing tenancies, landlords are unlikely to ask tenants who pay their rent regularly to leave just because of the end of the AST period.

There are many other reasons why a tenancy may terminate. For example, the landlord may want to sell the property, or a tenant may want to move on to accommodation better suited to their needs. For

1 <http://tinyurl.com/yrqeq3>

2 <http://tinyurl.com/2lky2p>, Table 5.

3 ODPM, *Local authorities' homelessness strategies*, 2004.

4 CLG, *Survey of English housing 2005/06*, Live Table S215.

the majority of renters, the ending of a tenancy does not cause any substantial problems. However, it is clear that in a number of cases, particularly where the household is on low income, the termination of a PRS tenancy occurs in such a manner that the household concerned becomes vulnerable to homelessness. For example, a landlord may act illegally and ask a tenant to leave without giving proper notice, therefore giving them little time to arrange alternative accommodation; or a tenant may themselves leave suddenly – perhaps because of disrepair or because they have accrued rent arrears.

Data collected in 2006/7 indicate that 29 per cent of households approaching Shelter's housing aid centres for help live in the PRS. Case study statistics indicate the range of problems reported by individuals and households who are renting privately. Shelter advisory staff routinely complete a statistical form for each telephone or face-to-face query from a member of the public, indicating the nature of the problem. It should be noted that more than one 'issue' can be logged on each occasion, depending on the nature of the problem presented. Statistics were gathered together on all the cases opened between 1 April 2005 and 31 March 2006, where the current or last tenure of the person making the query was in the PRS. Advisory staff could indicate the issues brought up by each case, and over 20 options were available. Some overlap existed between the issues, and it was possible to log more than one issue in each case. Overall, there were 50,000 logs of the issues listed. By far the most common problem cited was 'homelessness', with 9,559 incidences. This figure again indicates a strong link between private renting and housing difficulty, but the way in which the data was collated does not make it possible to examine this figure in more detail. However, other issues were also listed:

- landlord possession (6,786)
- landlord/tenant (other) (6,396)
- damp/disrepair (3,208)
- rent arrears (2,977)
- housing benefit (2,615).

Again these headings are too broad to allow close analysis, but have helped to frame the questions used in the topic guides with respondents.

Research objectives

This research has two objectives: to understand better the reasons why tenancies can end in such a manner that the household becomes homeless, and to consider solutions to this difficulty. The research is focused on the bottom end of the PRS, since failings in the sector carry disproportionate impacts on people who are least able to 'buy' their way out of housing need. These are households who may have low or unsteady income, or are reliant on housing benefit to pay some or all their rental costs. In meeting this objective, the research will address a key underlying issue: do intrinsic aspects of renting privately contribute to the incidence of homelessness among low-income households? If this is the case, then it is possible to question the assumption that the PRS can comprise a long-term solution for housing need, and it may even indicate that parts of the PRS actually contribute to the incidence of homelessness among people for whom access to other tenures may be limited.

Research methods

This study was completed using three methods: secondary data analysis, face-to-face interviews with tenants, and focus group interviews with landlords (a detailed note on methods is given in the Appendix).

Secondary data analysis

First, analysis took place of existing data to understand the characteristics of tenants in the PRS, and to assess aspects of the sector that may contribute to tenants leaving rental accommodation despite having limited alternative options. Analysis of Shelter's housing aid centre case study statistics indicated five broad sets of reasons that led to tenants leaving PRS properties:

- inability to afford the rent
- problems with housing benefit administration
- landlords seeking repossession of the property
- sudden changes in family circumstances, including relationship breakdown or loss of work
- property disrepair.

Interviews with tenants

The second method was the completion of semi-structured qualitative interviews that focused on the respondent's last experience of renting privately. The research respondents were contacted using two methods.

Shelter housing aid centres

Interviews took place with individuals who had either visited a Shelter office or phoned the helpline with a problem relating to a PRS tenancy, where that problem placed them in some degree of housing need. Of the seven Shelter contact cases, two had been threatened with eviction and others were actively seeking to move out of tenancies they could not sustain in the medium or longer term. The number of respondents was small (seven), but aimed to represent a slightly broader range of experiences and circumstances than the other interviewees.

Day centres and hostels

Interviews were also completed with individuals in two day centres and one hostel in three major Yorkshire cities, and a hostel in London. The hostels and day centres were largely direct-access, and in some instances contained addiction rehabilitation services which some of the respondents were using. A total of 35 interviews were completed, and in all cases the respondents had, as their last settled place of residence, privately rented accommodation. In almost all cases, at the time of the interview, the day centre/hostel respondents were street homeless, 'sofa-surfing', or in temporary housing. In two or three instances, the respondents had only just secured some kind of more permanent accommodation. The Appendix gives further information on the interview respondents. The majority of the respondents were male, single, and aged between 26 and 35. It should be noted that some of the hostel and day centre respondents reported problems with alcohol and drug addiction.

Landlord focus group interviews

It was felt essential that the views of landlords were also taken into account. Three focus group interviews took place with a total of 20 landlords. The focus groups were facilitated by local residential landlord forums in three Yorkshire towns. It should be noted that these respondents were not asked detailed questions relating to their portfolios, but in each case the respondent had some experience of letting to someone in receipt of housing benefit. In the majority of cases, the respondents were evidently letting almost wholly within that market.

Report structure

The report details tenants' experiences under a number of key headings. By contrast, all the landlord information is given in a single chapter. This structure reflects the detail of the information collected from tenants, which afforded the possibility of placing their personal experiences in a wider biographical framework. The focus group format is less well suited to collecting information on that level, and so the landlord chapter has summarised responses to a range of issues that are indicated in the Appendix on page 32.

Routes into low-income private renting

Few of the tenants in the study actively chose to rent privately, and doing so often reflected employment or relationship difficulties. For tenants on low incomes ‘choice’ generally reflected the rejection of the very worst property, rather than being able actively to choose accommodation best suited to their household’s needs. Tenants generally faced a long wait for affordable, reasonable quality property where the landlord was willing to let to someone on housing benefit. Access to poorer quality property could be quicker, but these tenancies were rarely sustainable.

To understand the circumstances in which tenancies come to an end, it is vital to appreciate ‘where’ within the PRS the tenant was accommodated, and how they came to be living there. The sector contains a number of niche markets, where the particular nature of demand and supply creates a set of distinctive management practices. Households on low incomes are faced with the possibility of accessing three sub-markets within the PRS: the wider rental market, serving a broad range of general housing needs; the housing benefit market, where landlords and letting agents may be willing to tolerate housing benefit receipt and manage their properties to take benefit administrative practices into account; and a distinctive sub-niche within the housing benefit market: the ‘slum’ rental market, at the very bottom end of the sector. These three markets each offered distinctive obstacles and problems, so tenants had to assess and negotiate the risks involved.

Low-income tenants in the PRS

Table 1 indicates that there are striking differences between the general renting population and people in all tenures. The PRS overall is often described as a ‘youthful’ tenure, where shared households predominate. However, data was collected on people who claim housing benefit, as part of the evaluation of the local housing allowance. This research indicated that people in the PRS who

are reliant wholly or in part on housing benefit present different characteristics: lone parents constitute a much higher proportion, and young single people much lower. This latter element probably reflects the operation of the single room rent restrictions for claimants under 25.

Table 1 Selected household characteristics compared across all tenures, all PRS and the housing benefit niche

Household type	All tenures, 2001 census (%)	All PRS, 2001 census (%)	Benefit market (%)
Head of household aged under 25	4	15	9
Couple, no children	18	16	6
Lone parent	6	11	30
Long-term sick/disabled	4	6	26

Note: Census material from Rhodes⁵; benefit market data derived from Anderson.⁶

5 Rhodes, D, *The modern private rented sector*, Joseph Rowntree Foundation and Chartered Institute of Housing, 2006; Roberts, S, Beckhelling, J, Phung, V, Boreham, R, Anderson, T, and Nai-lie, *Local housing allowance wave 2 report*, Centre for Research in Social Policy, 2006.

6 Anderson, T, Stafford, B, and Woodland, S, *Claiming housing benefit in the private rented sector*, Department for Work and Pensions (DWP), 2005.

The proportion of households on housing benefit in the PRS comprises a substantial minority. According to Department for Work and Pensions data, in May 2007 there were an estimated 785,900 recipients of housing benefit in the PRS in England.⁷ In the same year, there were, according to the *Survey of English housing*, 2,595,000 private renters.⁸ It can be calculated, therefore, that in 2007, 30 per cent of PRS households were having their rents paid wholly or in part by housing benefit. The evaluation of the local housing allowance indicated that, in some areas, this proportion could be higher. For example, in Blackpool the proportion of private renters on housing benefit in February 2005 was 81 per cent, but in Leeds – where there is a wider range of demand groups for rented property – the proportion was 25 per cent.⁹

Routes into low-income renting

The respondents in this study were asked why they came to be renting privately. In almost all cases, the essential reason was that their low income debarred them from the option of owning a property, and/or that their household circumstances were such that they could not secure a social housing tenancy. In perhaps only three or four cases out of the 42 was private renting considered to be an active and favoured choice that carried substantial benefits over the other tenures.

Tracing someone's life through their successive housing experiences indicates that the housing biography is a 'pathway' rather than a career.¹⁰ The pathway can meander, but progressive improvement up any sort of 'housing ladder' often cannot be assumed. For around one-third of the respondents in the group, a search for cheap rental property followed a relationship breakdown after a fairly settled period of owning, renting from a council or housing association, or indeed renting privately. A number of the single men who were interviewed had left partners and children in the family home, and were looking to rent alone. For some of the hostel and day centre respondents, the relationship breakdown often reflected or exacerbated problems with addiction, and the search for cheaper rented property reflected a definite downward step.

For a further third of tenants, the search for rental property reflected change in employment or household circumstances. Some of the respondents had moved to another area to find work. For example, Des had inherited his parents' house, but sold it and moved to a larger city to find employment. In other cases, the respondents were looking to move out of the parental home and form a new household either with a partner, or as a single parent. Often private renting was chosen as the only viable option, since the household lacked any priority for social housing.

Case study 1: Len

Len had been living with his family in a council property, but had been unhappy about the prospect of bringing up his children on an estate where there was a drug problem. He moved to a bigger city, and the family at first lived with a friend until they were able to save enough for a deposit on a rented property. The two-bedroom terrace suited their needs and was a rent that Len could afford since he was working. Once they moved in, there were minor problems with maintenance. Although he collected the rent unfailingly every Friday, the landlord kept 'fobbing off' problems with plumbing and other necessary repairs. The children had settled by this time, and Len thought the problems were not worth moving for: the council housing waiting time was 'years', and Len did not want to have to search for another private property.

For a final third of tenants, a period of renting was little more than yet another episode in a highly chaotic housing biography that included a succession of hostels, night shelters, sleeping on friends' floors, sleeping on the street and the occasional stay in the PRS. The chaotic housing biography often included long periods of addiction and spells in and out of prison, and was often begun by an early exit from the parental home. For example, Pete said that during a long chaotic period of heavy addiction he had had a series of five or six tenancies in poor quality properties that he had entered into unthinkingly, not appreciating if he could afford the rent and not worrying about the quality of the property, all of which he simply left without informing the landlord.

7 DWP, *Housing benefit and council tax benefit quarterly summary statistics*, May 2007.

8 CLG, *Survey of English housing preliminary results 2006/07*, 2007.

9 Wilcox, S, *Housing and labour market impacts of the local housing allowance*, DWP, 2007.

10 Clapham, D, *The meaning of housing: a pathways approach*, The Policy Press, 2006.

Low-income renting: the options

For households on a low income and looking to rent, choices have to be made about the kind of rental that is likely to be accessible. Generally speaking, there are three options: trying to secure a property in the wider rental market; accessing the housing benefit market; and taking a slum rental property.

Accessing the wider rental market

The majority of the Shelter respondents had managed to secure properties in the wider rental market, as had some of the day centre and hostel respondents who were working at the time of the tenancy. These tenants were not facing difficulties with regard to landlords automatically debarring housing benefit claimants, and the factors framing their choices were to find properties in a suitable location, that met the household's needs and at a rent that was affordable. However, problems still arose with regard to the requirement to meet an advance payment of rent and/or deposit. None of the respondents said that they had this money readily available. For example, Kenny was working in a warehouse at the start of his tenancy. Although he was not able himself immediately to pay the £200 bond and £200 rent in advance being asked for, he borrowed the sum from relatives and paid it back to them at £50 a week. Len, also working, had paid a £350 bond for a two-bedroom house, with four weeks rent in advance totalling £650. He and his family had rented from a friend for a number of weeks previously, during which time they saved much of the required sum and borrowed a little from Len's mother (see Case study 1, on page 11).

Some of the unemployed respondents had been able to negotiate their way in the wider rental market by providing the advance payment. Cath, a single parent who was not working at the start of the tenancy, had borrowed a sum of £2,000 to pay a deposit, rent in advance and an inventory fee, to secure a good quality three-bedroom house for herself and her children. She had to pay a high interest on the loan, which had added around £400 to the amount borrowed. The considerable advance rent payment covered the long period taken for housing benefit to be processed and so allayed the landlords' fears relating to possible delay.

The housing benefit market

For tenants who are wholly reliant on housing benefit, problems in securing property are more substantial. There are landlords and letting agents who are willing to take housing benefit recipients, and establish flexible management practices to accommodate problems with housing benefit administration. For example, the vast majority are tolerant of long delays initially in the housing benefit process, although some might expect the tenant to pay any expected shortfall between the rent and the housing benefit in the intervening period. The landlord might be pro-active in sorting out the housing benefit claim themselves, and perhaps chase up the claim if the process is taking too long.

However, the housing benefit market is not infinitely elastic: the supply of reasonable quality property is often insufficient to meet demand at the bottom of the sector. The search for a landlord willing to take someone on housing benefit could last for months. There were some instances given of people who had 'put their name down' with particular private landlords who were known to let to people on benefit, and then simply waited for a property to come up. Carol had been living in a council property, but had put her name down with a private landlord because she felt that the neighbourhood where she lived was not safe for her children. She had waited for a year for a property to become available with the landlord.

Although landlords at the bottom of the sector could be more flexible with regard to deposits and rent in advance, a better quality property still required some payment up front. Phil's view was that:

'If you want a crappy little bedsit you can get one like that, you know what I mean, but if you want something decent you have to pay a deposit.'

Most of the housing benefit landlords required some sort of bond, even if they might be more flexible with regard to rent in advance. In a couple of the areas that were covered by the research, deposit guarantee schemes were in operation, and some landlords were willing to accept guarantees in lieu of cash payment.

Slum renting

A final renting option was to look at property at the very bottom of the sector. The use of the term 'slum' appears to be extreme, but is perhaps the only appropriate word to match the accounts that came from a number of different respondents. These properties were in the very poorest condition, where the landlord paid little attention to ensuring adequate heating, water and sanitation; there were fundamental structural problems such as damp, ill-fitting windows and doors or dangerous electrical fixtures; the landlord paid little attention to tenants' personal and property security; and formal legalities with regard to tenancy agreements were routinely overlooked.

It was common for access to this kind of tenancy to be immediate, although the landlord might require a small bond or deposit of perhaps £50 or £100. Often, rather than searching for the property, the respondent might find the landlord coming to them. In two places, respondents were able to give names of landlords who would come and scout for prospective tenants.

This kind of property was also being advertised in the newspapers, and respondents said that they were obvious because of the very low rent and the fact that the advertisement often indicated 'DSS accepted'. Pete said:

'I went to view some, you know, and I said "Are you taking the piss?" He said "I want £55" and there was just some bit of frayed carpet thrown in and a unit that was dropping to bits in the corner and graffiti all over the walls.'

The quality of the property was not the only consideration. In this kind of property, landlords clearly 'managed' the tenants. It was not always very clear what rent would be charged, since the landlord made out the housing benefit application themselves. Tenants might be asked to move from one room or house to another by the landlord. One respondent said that his landlord offered 'cash in hand' to tenants who would decorate and renovate his other properties.

Low-rent locations

In cases where tenants knew that they were going to be reliant either on landlords willing to let to housing benefit cases, or on slum rental properties, there was an understanding that the search was going to be restricted spatially. Low-income renting could be intensively concentrated in parts of towns and cities. The spatial concentration often followed the conversion of older Victorian and Edwardian properties into houses in multiple occupation (HMOs), and where low house prices meant landlords willing to accept lower than average rental yields.

Many tenants commented that if the rents in an area were low, it indicated problems with drugs and crime. This was particularly the case where there were a number of shared slum rental properties which were being used by landlords to accommodate a succession of more vulnerable people with addictive behaviours. Some respondents had a very close knowledge of the local rental market, and could indicate streets or parts of streets that were known to be particularly bad for burglary or drug dealing, and parts that were more quiet or respectable. Renting in a 'slum' rent area was the final option for respondents who had run out of alternatives. The consequences are indicated later in the report.

Landlords ending tenancies

A poor understanding of rights and responsibilities can exist in some tenancies, among both tenants and landlords. Renting at the very bottom end of the sector increased the risk of encountering a landlord willing to act in a criminal fashion. However, tenants could also be the perpetrators of criminal and antisocial behaviour and themselves be culpable for tenancies coming to an end.

One of the most common reasons for the termination of tenancies in the PRS is the landlord asking a tenant to leave. For the purposes of this study, a landlord's provoking the end of a tenancy is given a slightly broader definition, and includes a range of circumstances in which the landlord's behaviour led to the ending of the tenancy. The chapter then progresses by grouping accounts from the interview material under the issue of landlords seeking possession because of the sale of property; landlords ending tenancies because of the tenant's behaviour; and actions that might be construed as harassment or criminal.

It should be noted that this chapter does not cover cases where tenancies were terminated by landlords because of rent arrears and difficulty with housing benefit. These issues are considered separately, in the chapter on Housing benefit and affordability.

Landlord's sale of the property

For five respondents, tenancies ended because the property changed hands. These properties were in all parts of the PRS. In perhaps only one of these cases was the sale anticipated, and the correct amount of notice given. Linda had known that her landlord had been having financial difficulties. He had begun to sell off his properties, and she knew that she would eventually be asked to leave. The agent she was dealing with served notice and the council had advised her to stay out the full term of the notice.

Two of the respondents had had rooms in the same property. In their case, the landlord's four-bedroom house was actually in the process of being repossessed by the mortgage lender. The first that the tenants knew of the development was in inadvertently reading a letter from the mortgage lender (addressed to 'The Residents') that gave them a date by which they were expected to vacate the property. The date was only days away, and the two tenants believed that they had to leave immediately. No indication had been

given by the landlord that there were financial difficulties. Both tenants had no other option but to approach the council, who referred them to a night shelter. They eventually found places in a hostel.

Case study 2: Pat

Pat was on remand, and was living in a shared property his prison housing officer had found. The landlord knew that Pat would be on housing benefit at the start of the tenancy, and each week told Pat he had to go to the housing benefit office to check the progress of his claim. The payment was finally made after three months. Pat was happy with the property. The block was shabby but a caretaker visited regularly to keep the common areas clean. Pat had been living there for well over a year when the problems began. The caretaker entered Pat's room without notice or permission and found out that Pat was gay. The caretaker told the landlord that Pat always played his music too loudly; Pat was told by the landlord that he was on a 'six-month probation'. However, four weeks after that, he was given a letter saying that he had 48 hours to leave the property.

The final two cases were similar. In both instances, the respondents were living at the very bottom of the PRS, in slum rentals. Den said that his landlord had given him and other tenants in a shared house three months' notice to leave the property, which was being sold for redevelopment. However, the landlord subsequently said that he had made a mistake and only six weeks' notice had to be given. The way in which he had timed this 'new' notice meant that Den had only two weeks to find alternative accommodation. Andy's experience was less protracted. He had lived for two years in an extremely poor quality HMO, during which time he drank heavily. He woke up to find a stranger in his room asking him to leave: the property now had a new owner and Andy was told he could no longer live there. Other

tenants had told Andy that this development had been on the cards, but Andy had not taken much notice. Neither Den nor Andy expressed surprise at this kind of behaviour from their respective landlords.

The mention of landlords 'in difficulty' with meeting their mortgage payments does provoke concern given the number of new landlords in the buy-to-let market, and the changing economic environment. One respondent described how his landlord had clearly over-extended himself when it came to purchasing properties. This landlord had been operating in the housing benefit market, where delays in payment undermined his ability to meet mortgage payments.

Illegal eviction, harassment and landlord criminality

In a number of cases, the landlord forced the end of the tenancy on what might be considered spurious grounds. Len had been renting with his family for some time (see Case study 1 on page 11), but pressure of work meant that the relationship ended, and his partner and children moved out. At the same time, Len had an accident and his income dropped. Although he was able to continue paying rent from his savings, the landlord said that the property was suitable for a family, and asked him to leave. Len argued that he should have 28 days notice, but the landlord said it was the middle of the month, and so he had only two weeks. Beth and her partner were asked to leave their property, because the landlord said that his wife was distressed by Beth's pregnancy, having recently lost a child herself. The couple were given a week to leave the property. Similarly, Fowsiya was asked to leave because of personal differences with her landlord's wife.

More overtly criminal action by the landlord was found in other cases, forcing the tenant to move. Pat said that his landlord had subjected him to sexual harassment (see Case study 2 on page 14). Allie and her partner had been renting from a landlord, who had become resentful of their mixed-race partnership and the couple had been subject to threats from the landlord's family. It should be noted that this case was taken to court and the landlord found guilty of racial harassment. Hawa, who came from the African continent, had been asked to leave a shared house because a tenant, who was Asian, objected to her living there. Hawa's landlord was also Asian and, siding with the new tenant, told Hawa she had to leave.

Georgie was renting with her brother, and had lived in the property for two-and-a-half years until they noticed that possessions had started to go missing.

It was only when a substantial item was taken that they realised that the landlord had been stealing from the property. At the time of the interview, a police investigation was underway. In all these cases, the tenancy was terminated abruptly, as the tenants left to protect their personal and property safety.

Finally, for two of the respondents living in London, the landlord had provoked the end of the tenancy by imposing what was thought by the tenants to be an unreasonable rent increase. Jess had taken a room in a shared house at £125 a week. She had been able to afford the rent since she had been working at the start of the tenancy. However, the landlord announced that if Jess wanted to continue the tenancy after the first six months, then she would have to pay the 'new' rent of £150 a week, which she could not afford. Lena had thought herself fortunate to locate a room for £43 a week. However, within two years the landlord had increased the figure to £50 and then to £65. Lena, as a full-time student relying on her part-time work income, simply could not afford to pay and had to leave.

Tenant culpability

There were some cases in which the respondent themselves admitted that their behaviour had led to them being served notice by a landlord. In at least four cases, the tenant had lost the opportunity to continue living in a good quality, affordable property. Stuart was a typical example. He had been renting a property with a friend for around four months, until an increasing number of neighbour complaints to the landlord meant that he was evicted. The household had become rowdy, with loud music and people coming and going late into the night. Drug taking and antisocial behaviour was a common theme among this group of respondents.

Mark was aggressive and had a drug habit. He had evidently brought or exacerbated drug problems in a particular area, since his house was used by other addicts and dealers. He was eventually evicted by the police, with the landlord also claiming that Mark was in arrears with his rent.

Jim was not an addict, but other personal difficulties meant that he lost two tenancies in succession after accruing rent arrears. In each case he was taken to court by the landlord. Jim admitted that he had no grasp of money management, and said that he tended to 'waste' his money on things other than rent. When arrears started to mount, he deliberately made no effort to sort out the problem thinking it a better policy to try and save money to use as a bond on another property.

Property standards

Problems with disrepair were reported by nearly all the respondents and in some cases led to the end of tenancies. Many of the tenants had taken measures to try and force their landlords into dealing with essential repairs, including withholding or taking money from the rental payment. However, problems were often structural. Poor conditions were evident in all the property types, not just the shared houses. Respondents tended to continue living in the properties, in some cases because it was not clear if the council would regard them as intentionally homeless if they left.

Problems with repair and maintenance were the biggest single reason why tenancies came to an end for the respondents in this study, and contributed to the decision to leave taken by others. It should be noted that, although extremely poor conditions were most evident in the slum rentals, problems with property condition were also reported by renters in the housing benefit and wider rental markets.

Conditions in the PRS

The *English house condition survey 2005* indicated that poor quality properties were more common in the PRS than in other tenures: 40.6 per cent of homes in the sector did not meet the decent homes standard.¹¹ Evidence of poor quality in the sector has led to the introduction of a licensing regime aimed at HMOs, where property quality is deemed to be poorest.

The *English house condition survey 2003* included a private landlord survey, which collected information on property disrepair. It might be assumed that issues of repair and maintenance would be more evident among landlords whose main business was not letting, and who might not have the time to deal with the issue. However, the 2003 survey found that higher rates of non-decency were found among landlords who were in the business full-time, and whose property portfolios included older properties. It was concluded that these landlords were maximising the net rental yield on their properties by reducing maintenance expenditure.¹²

Property condition and tenancy termination

Eight of the respondents related the ending of their tenancies directly to issues of maintenance and disrepair. Perhaps the shortest tenancy was experienced by Ted, who was just hours in the one-bedroom flat he had rented before he noticed a large hole beneath the carpet in the bedroom. The hole had been disguised by a chair that Ted moved when he was re-ordering the furniture. It was clear that the hole had been caused by structural dry rot problems, and the agent immediately agreed that the property was not habitable. The landlord claimed that he could deal with the problem over a weekend. However, Ted and his partner disagreed. They were unable to return to the flat they had just left (it was being sold) and had to sleep on a friend's floor for a few weeks until they were able to sort out other accommodation. The property had been let through a letting agent, and Ted said that he noticed that the property was still being advertised on the agent's website days later.

There were other instances of 'crisis' that had made accommodation uninhabitable, and where the landlord clearly had no intention of dealing with the problem in a satisfactory fashion. Johnny and his family had to move out of their rented house following a fire caused by faulty electrics. The fire gutted the whole ground floor of the property. The landlord indicated that they would repair the damage, but in the meantime wanted the family to continue paying rent over the weeks it would

¹¹ www.communities.gov.uk/documents/housing/xls/144956

¹² ODP, *English house condition survey 2003: private landlords survey*, 2006.

take to complete the repair. Considering that the fire was the landlord's fault, the family decided to move on. Johnny slept on a friend's floor, and his mother and sister moved in with relatives.

The ceiling collapsed in Charlie's house. Luckily his partner and their children were not in the property at the time, and the council subsequently condemned the house. The family moved in with Charlie's partner's parents, but the strain on their relationship led to a split and Charlie became homeless.

The very worst conditions were in the shared slum rental properties: see Case study 3, below.

Case study 3: Kevin

Kevin had been drinking heavily, and had taken a self-contained flat because his relationship with his partner had broken down. He took the property because the deposit was only £100. The property was not in good condition when Kevin moved in, but the landlord assured him that he was in the process of modernising the flats. Once he moved in, Kevin realised that the property was damp, and all the windows leaked. The tenant on the ground floor below him had four dogs, and the property was in a highly unsanitary condition. Kevin's health deteriorated through the winter, as the flat proved to be impossible to heat and the cold and damp were exacerbating his asthma. Finally he just had to move out, and ended up sleeping on a friend's floor until he got a space in a hostel.

Although eight of the respondents said that an issue with disrepair had led to them leaving the property, almost all the respondents noted that the properties they were living in required repair to essential elements of the property. Some had lived without hot water for long periods or without working toilets. Many had experienced damp and insecure windows and doors. Many of the respondents said that their landlords had been slow to respond to repair problems or simply ignored tenants' requests.

For a couple of respondents, the tenancies had not yet come to an end, but the interviewees were desperate to move. In both cases, they were single parents who had had no other experience of renting, and who felt that their only other option was to apply to the council. Both families were living in sub-standard accommodation that was damp and affecting their children's health. Sue did not want to risk being categorised as intentionally homeless if she left the property, and in any case thought it preferable to bed and breakfast accommodation, which is what she knew the council would offer after seeing her sister deal with a similar problem.

Overall, though, it was most common for respondents to move because a landlord's failure to attend to a needed repair made the property insecure. Hilary had had her door kicked in and some of her belongings taken. The front door to the property had only been a flimsy internal door and had been easy to break. The landlord claimed that Hilary was responsible for replacing the door, and refused to take any action. Hilary offered to have the door replaced straight away provided she could take the cost out of her rent, but the landlord refused. She had no other option but to move out immediately.

Housing benefit and affordability

For tenants in this study, problems with housing benefit generally did not lead to the termination of their tenancy. Many of the respondents were living in the housing benefit market, where landlords were more tolerant of difficulties with the benefit. Tenants able to access the wider market were at greater risk of eviction because of housing benefit, since they were more likely to be dealing with landlords unwilling to accommodate delays with housing benefit payments.

For tenants on low incomes, reliance on housing benefit to pay the rent causes substantial difficulty. For tenants in the wider rental market, a sudden need to apply for housing benefit can create problems in sustaining tenancies. Within the housing benefit market, these difficulties are less marked, but initial long delays in the housing benefit process can create substantial tensions between landlord and tenant.

Housing benefit in the wider rental market

It has been noted that some of the respondents secured their tenancies while they were working, and were able to find properties in the wider rental market. In this market, landlords may be intolerant of delays in payment if a housing benefit claim is required during the course of a tenancy. Difficulties with housing benefit led to tenancy terminations in a couple of cases. Sam had been living with his partner and two children in a two-bedroom property for six months when he fell ill. Sam had been in receipt of some housing benefit because of his low income, but his landlord had not been aware of this because Sam was in full-time work and paid his rent by direct debit. Because his work did not include any sickness cover, Sam had no income during the time he was unable to work, and had to change his housing benefit claim. As a consequence he missed a rental payment, and the landlord found out that he had applied for housing benefit. She immediately gave him notice to leave. The council advised Sam that the landlord had not given proper notification and he was able to challenge the eviction order. However, the landlord's aggressive way of dealing with the problem meant that Sam wanted to move, and after a couple of months he was able to find another property. Des was perhaps less fortunate (see Case study 4).

Case study 4: Des

Des had inherited his parents' house, but had sold it to find work in a larger city; the sale proceeds mostly went to his ex-wife and children. He had found steady work as a care assistant, and found a room to rent in a shared property. He was happy in the property, and would have stayed indefinitely. However, after a few months, he lost his job and had to apply for housing benefit. The landlord was initially sympathetic, since she had evidently dealt with other claimants before. However, there were problems with the processing, and the housing benefit office finally admitted that the claim had been lost. The application was finally dealt with 13 weeks after Des had originally sent in the form. However, by this time Des had had to leave the property because the landlord had simply lost patience.

Kenny had a similar experience to Des (see above). He had lost his job and faced a long delay for his income support and housing benefit payments to be settled. His landlord gave him 28 days' notice on hearing that Kenny had lost his job. Both Des and Kenny ended up sleeping rough after being unable to secure anywhere else to stay.

The housing benefit market

Almost all the respondents in the study were in receipt of housing benefit at the start of their tenancy. Some tensions were caused by the long delay in initial processing of the benefit, but none of the respondents lost their property as a direct consequence. Problems with arrears tended to be circumvented by landlords and tenants arranging for the housing benefit payment to go directly to

the landlord. One respondent had tried paying the rent himself, but after simply spending the money on other things, it was agreed that this option had not worked, and the payment was switched to the landlord and arrangement was made for him to start paying off the arrears.

In many cases, the housing benefit payment covered all the rent, but there were instances of shortfall payments. For example, Mark had a shortfall of £10 a week, which he said he was able to pay regularly in cash at the landlord's office. Sharon had a shortfall of £100 a month. She said that she was a good money manager, and 'jiggled it around and I coped', but had applied for a discretionary housing payment to help meet the shortfall because she knew it would be difficult to manage over the long term. Some tenants reported that landlords did not always come and pick up the payment: Pete had a shortfall of £5 a week, but the landlord 'wasn't that bothered' and did not often come to collect. There were no cases of landlords evicting tenants for failure to make this payment, even though in some instances the shortfall was quite high.

Affordability

Another concern related to affordability. As will be seen later in the report, there were two cases where inability to afford a rapidly increased rent meant that a tenancy had come to an end. There were also a couple of instances where the respondents indicated that their situation was unsustainable in financial terms. Cath was living with her children in a three-bedroom house that cost £775 a month. Although she was happy with the house itself and the area, she did not want to be renting privately and considered the rental payment too high for her to be able to afford to work once her children were all at school.

The issue of affordability was more pressing for Beth. She was accruing substantial arrears of rent the whole time she was living in her current two-bedroom flat with her husband and daughter. She had been moved into the property after 18 months of living in a hostel, where she had moved to after being evicted by her landlord. The property in which she was living at the time of the interview was being leased under a private leasing scheme, and the rent being charged was £240 a week. Housing benefit covered £140 a week but, because her husband was working, the household was liable to pay some of the rent. They were only able to pay £80, and so were accruing £20 a week rental arrears. Beth knew that the property was expensive for the area (a suburban London borough) and that a local, similar flat – not under a leasing scheme – was available for £160 a week. However, they could not afford to move because they were unable to save for a deposit. Although the family desperately wanted to move, they were unlikely to be able to do so. Neither Cath nor Beth had moved out of their tenancies at the time of the interview, but both could be regarded as 'hidden' homeless and in housing need and were seeking a way to end their PRS tenancy.

Changes in household circumstances

Overall, changes in household circumstances did not feature strongly as a direct reason for tenancy termination among the respondents who were interviewed.

Changes in household circumstances are very likely to provoke the move from one housing episode to another, and this was certainly the case for the respondents who were interviewed. However, not all changes in circumstance provoked immediate and 'crisis' change, and there were perhaps only a couple of instances where it could be anticipated that change would lead immediately to housing insecurity.

Family expansion and partnership formation

The majority of respondents were single at the time of the interview. However, many had indicated that, initially, a change in family circumstances had led them to look for properties in the PRS. For example, Sally had been living in the parental home when she fell pregnant, and had found a rented property to move into with her daughter. Allie and her partner had been living separately at their respective parents' homes, and were looking for a property in which to set up home independently. However, in both cases, the respondents did not feel that they were looking for property in 'crisis' circumstances. Both waited for months before an appropriate property became available.

Relationship breakdown and domestic violence

The situation was very different with regard to other aspects of household change. A number of respondents left properties as a consequence of relationship breakdown. Sharon had been living in an east coast town before splitting up with her boyfriend and moving to the city to make a new start; Len had been living with his wife and children, but the relationship came to an end. In both cases, the move out had been immediate and had given little time for planning. Sally's experience had also given her little time to make adequate arrangements (see Case study 5).

Case study 5: Sally

Sally had moved into a rented property with her child. She had been living with her mother, and on having the baby had started looking for somewhere to rent. It took some time, and she finally secured a property with the help of her mother, who gave Sally the £300 bond that the landlord required. Sally's ex-partner found out about the move, and had broken into the property. A great deal of damage was caused, and some items were stolen. Sally moved out, fearing her safety. She lost her deposit because of the damage. Luckily, she acquired another property through word of mouth, but only months after moving in had to move on again because her ex-partner had found out where she lived.

Loss of earnings

Overall, loss of earnings was perhaps the most immediate cause of difficulty for the tenants in this group. In a number of cases, there had been a reduction or cessation of working income due to an accident at home or an industrial injury, or because of redundancy which had meant difficulties in meeting the rental payment. For tenants living in the wider rental market, this situation created some difficulties, as outlined in the chapter on Housing benefit and affordability.

Slum renting

Where tenants had taken the 'choice' of a slum property, the accommodation was often abandoned as being unsustainable. Tenants reported that their health was affected by the property conditions, or they felt unsafe, or their property was subject to theft. A better option was simply to leave the property, since any alternative was deemed preferable.

Another substantial reason why tenancies came to an end in crisis circumstances was because of the nature of the rental itself. From the accounts of the respondents, it became clear that slum renting was, by its very nature, innately unsustainable. The poorest quality properties were almost always located in the least desirable neighbourhoods, where levels of crime were highest. Slum renting was invariably shared renting, which meant that some respondents were in immediate contact with the perpetrators of crime and so frequently became victims of criminal behaviour.

Crime in shared property

Eight respondents left tenancies as a consequence of their location in either a house or neighbourhood that was deemed to be unsafe. It has been noted that, for many tenants, renting options are limited to looking at properties in the least desirable locations in a given town or city. One outcome of this is that the tenancies that are then entered into are, to a large degree, innately unsustainable. The problem was particularly acute with regard to HMOs. Many tenants moved into shared properties where drug use and theft were commonplace. Pete had a self-contained flat in a house containing two other flats, and knew that one of the other residents was responsible for thefts from his flat because there was no other evident means of access: the front door to the property was secure. After about one year he had had enough, and simply left the property since his landlord was unwilling to do anything about the thefts.

Case study 6: Annette

Annette and her partner had been living in a night shelter, when they were approached by a landlord to move into a self-contained flat in a shared house. Initially, the flat looked reasonable and the couple moved in immediately because Annette was pregnant. However, after only a few weeks the landlord had filled the other flats in the property with drug addicts and dealers. Their room door had been kicked in so often it no longer locked, and all the baby items were stolen. Annette described her feelings at that time: 'You don't feel secure about nowt. You're meant to in your own home, that's the whole point: you're meant to feel safe and secure.' She knew that once she had her baby, she could not bring it back to the flat, and so the couple left.

In many cases, particular streets or properties developed over a matter of months into 'hotspots' for crime. Sharon had looked carefully at the exact location of the cheaper available properties. She knew she would end up in a poorer area, but knew that some streets or even parts of streets were less notorious than others in terms of trouble. As it turned out, Sharon's choice was unfortunate. Within four months of her moving into a property with three other self-contained flats, there was a tenancy turnaround and more problematic elements had moved in. The property was raided more than once by the police, and the landlord evicted all the tenants following complaints from the neighbours. Similarly, Rick had been living in a 'drug den' property and also left following a police raid.

Crime in the neighbourhood

Some respondents were also the victims of crime, perpetrated by people other than their immediate fellow tenants. Phil had also found that the character of the shared house in which he had a flat changed after a heroin dealer moved in. However, his move out was provoked by his being attacked by local neighbours who were disgruntled by the increase in crime and antisocial behaviour centring on the property.

There were many anecdotes in people's renting pasts of having to move on because of problems. Charlie had been renting in an area of a city notorious for low rents and high crime rates. He had held down a job as a taxi driver, but moved out of his rented place eventually because of the number of times that his car had been vandalised. Matt had moved out of a shared house. He had returned after spending the Christmas holidays with his family, and found that someone had stolen the entire heating system, including all the radiators and the boiler.

Landlords' views on tenancy terminations

Landlords' accounts of tenants ending their tenancies very clearly demonstrated a different perspective. Many tenancies at the bottom end of the sector continue for long periods and are evidently satisfactory to both landlord and tenant. However, a perception of high risk can pervade landlord and tenant attitudes to each other, and engender a cycle of 'bad renting' behaviour with tenants' failure to pay rent leading to a landlord being slow to effect repairs.

As might be expected, landlord and tenant perspectives on tenancy terminations did not necessarily tally. No attempt was made to contact the ex-landlords of the tenants who were interviewed, although the three landlord focus groups did take place in locations in which tenancy interviews also took place. The landlord interviews included some general reflections on letting at the bottom end of the PRS and why tenancies came to an end. Landlords were then also asked to consider some of the principal reasons for tenancy termination as indicated by tenants: rent arrears; housing benefit administration; antisocial behaviour, particularly in shared housing; and repairs and maintenance. Landlords were also asked to reflect on the incidence of slum landlordism.

Landlord survey

In January 2007, in order to secure a general overview of landlords' views on tenancy termination, at the request of the Centre for Housing Policy, the National Landlords Association added questions relating to the issue on its regular postal survey of a panel of members. A total of 328 responses were received. The respondents were given a range of reasons why they might have chosen to terminate their last tenancy. The most common reason for tenancy termination (given by 45 per cent of respondents) was that the tenant had fallen into arrears or was inconsistent in paying their

rent. Adjusting the figure to exclude the landlords who had not responded to the question, perhaps because they had never themselves terminated a tenancy, the proportion was 56 per cent. Eighteen per cent of respondents indicated that tenant behaviour led to the tenancy termination, and 14 per cent gave portfolio reasons: they had wanted to sell or upgrade the property.¹³

In 47 per cent of cases, the termination of a tenancy led to the re-letting of the property, although in an additional 12 per cent of cases the landlord indicated that the property had been 'upgraded'. The property was sold to a new owner in 10 per cent of cases.

Letting at the bottom end of the PRS

The majority of the landlords included in the focus group interviews were currently letting to people in receipt of housing benefit, and some had done so in the past but no longer let in that market. Many of the landlords indicated that they had some steady tenants who had let property from the landlord for many years. Indeed, one landlord noted that he had bought a new property for one of his tenants, whose housing needs had changed over the course of the tenancy. However, it was more generally agreed that letting at the bottom of the market was hard work, carrying substantial risk and additional management burden. One landlord noted that over 70 per cent of

¹³ Jones, OMC, *Survey of members*, January 2007, unpublished report for the National Landlords Association, 2007.

his workload had comprised chasing rent collections when the majority of his lets were to tenants on housing benefit; now he no longer let in that market, that percentage was down to less than five.

The principal problem with letting at the bottom end was, for many landlords, the quality of tenants with whom they were likely to be dealing. In the same way that tenants faced the risk of coming across a bad landlord, landlords themselves were also apprehensive about the possibility of letting to a tenant who would not pay the rent, would cause substantial damage to the property, and who would cause problems to neighbours. At the very least, it was felt that many tenants needed some level of support since they often brought problems with them. Indeed, one landlord noted: 'Doing this job, you become a bit like a social worker.' The attitudes expressed on this issue reflected the views evident in larger-scale landlord surveys, that tenants in receipt of housing benefit were innately undesirable¹⁴: they have, according to one landlord 'some sort of baggage or history or bad credit'.

This problem was felt to be exacerbated by the number of households who were being evicted from the social rented sector, and who were now seeking to rent privately. Some of the landlords had entered into arrangements with various local authorities, housing associations and statutory agencies to accommodate certain 'nominated' individuals, but found that the amount of information they received could be limited or indeed inaccurate. Councils could sometimes use data protection legislation as a reason not to pass on information about particular tenants. One landlord said he was approached by the council to house two young men who had come up from London to find work; it was only after the tenancies started that he realised that both had come from a local direct access hostel, and both had addiction problems.

According to landlords, there were individuals who moved into property with no intention of paying the rent. They would stay for as long as it would take to institute eviction proceedings and then simply disappear from the tenancy and move into another rented property. If tenants were caught deliberately running up arrears, then it was felt that little could be done: one landlord had had a claimant run up thousands of pounds of arrears, but the court had ordered a repayment schedule of one pound a week because the individual was in receipt of benefit. Two

of the landlord groups suggested that tenants should also be accredited. There were indications that, informally, landlords passed information to each other on 'bad' tenants in the same way that tenants were clearly telling each other about the landlords to avoid.

Tenancy termination

In being asked generally about tenancy termination, there was the overwhelming opinion that landlords would seek to avoid a tenancy termination if the tenant was regular in their rental payment. The notion that tenancies should turn over automatically at the end of a six-month AST was deemed to be poor management practice. Indeed, the landlords often vied with each other on who had had the longest-held tenancy. A period of around five years was generally deemed to be satisfactory. Comments under this heading included:

'Some of my tenants have been in the property 10, 15 years. They're the sort of tenants you look for.'

'No landlord wants to ask any tenant to leave, but all landlords want is very simple: the rent paid and the property undamaged, and we're into stable tenancies... continuity gets you a better return in the end.'

Landlords said that they would rarely ask a tenant to leave as a consequence of changes to the landlords' portfolio, since it was considered poor management sense to let go of a property with a sitting tenant who paid their rent regularly. It was, however, known that some less professional landlords might find it difficult to manage their debt obligations, and so seek to sell properties at short notice and with vacant possession.

The most common reasons for tenancy termination tended to be that the tenant themselves decided to end the tenancy, often because of changes in personal circumstances, for example they found work in another area or started a relationship or family. There were instances of tenants simply disappearing, which is problematic for the landlord since an exact end date for the tenancy is not certain, causing problems in terms of housing benefit overpayment

14 Rhodes, D, and Rugg, J, *Landlords and agents in the private rented sector*, DWP, 2005.

and also in terms of re-letting the property. Tenant disappearances were often thought to be a consequence of unpaid debt or domestic violence.

Landlords also said that tenants often sought tenancy terminations so that they would be able to secure a social housing tenancy. One landlord said that a tenant had threatened to call in environmental health officers if the landlord did not serve an eviction notice so a claim could be made that homelessness was unintentional.

Rent arrears

The landlords were in general agreement that the biggest risk they faced was a tenant falling into arrears, and some had instituted a particular strategy to deal with this eventuality. A section 21 notice was served at the same time as the tenancy started, warning that eviction proceedings would be undertaken on failure to pay the rent. Some landlords said that this process did not offer substantial protection, and that in any case it started the tenancy on a poor footing. However, the fact that this measure was being taken indicates the high level of risk from arrears perceived from landlords at the bottom of the rental market.

It was clearly commonplace for landlords to evict tenants as a consequence of rent arrears, but in all cases the landlords indicated that this process was protracted and could take months. A tenant would themselves be aware of their own difficulty with paying the rent, would probably receive from the landlord weeks' notice that the end of a tenancy was likely, and so would be unlikely 'suddenly' to be faced with an eviction order on the basis of arrears. For landlords wanting to facilitate a speedier exit from their property, it was known for the tenant to be given a certain amount of money just to leave. Landlords said that it was worth £50 or £100, or whatever money was required to pay the deposit on another property, just to terminate a tenancy where problems with rent payment were chronic.

Housing benefit administration

The majority of the landlords in the focus group were evidently well used to dealing with housing benefit administration, and accepted that a tenant receiving the benefit would mean delays to their rent payment initially. However, it was felt that the tenancies would not be terminated because of arrears caused by problems with housing benefit administration. Rather, landlords would seek termination if they felt that the tenant was not being sufficiently pro-active in dealing with their claim. According to one landlord:

'The housing benefit system's very good, you can work through it, you might have to put a bit of effort in, but you can get the money. It's the tenants who won't give them their passport or won't give them their driving licence, or prove something to them is the reason they won't pay.'

The landlord said that he had taken an individual through a local authority homelessness scheme, but the person had not bothered to sign on, had not applied for housing benefit and had left the landlord himself chasing up the relevant paperwork. The tenant was asked to leave after two months. The landlord said:

'One of the main problems is that people themselves don't understand the urgency of the forms when they come, and also they can't understand them sometimes.'

Some of the landlords reported that it was common for the local authority to overlook the fact that the relevant form had been signed on the housing benefit application, giving the tenant's permission for details of a claim to be discussed with the landlord. Indeed, one landlord made each tenant complete a separate letter giving permission, which was stapled to the application. Overall, it was generally felt that housing benefit administrative staff were unwilling to co-operate with landlords and that if an obstruction could be thrown up, then it would be.

Antisocial behaviour and shared property

All the landlords were in agreement that managing shared property carried substantial difficulties, and some landlords had indeed moved out of that market as a consequence. Some tenants in shared households simply failed to get on, or occasionally fell out, and it was not always easy to pin down if a particular individual was the single cause of all the problems. One landlord generally advised their sharing tenants that, like neighbours in other tenures, they would simply have to settle their own differences.

However, many landlords felt that action might be necessary if a tenant in a shared property was violent or was undertaking criminal acts. One landlord simply told his tenants to call the police if the action was clearly criminal. Generally speaking, there was felt to be little support for landlords seeking to evict highly disruptive tenants from shared property.

There were a number of examples given of steady households who had been disrupted by new tenants who were noisy, violent or who had stolen property. However, the landlords felt that the existing eviction processes were too protracted in these cases:

‘You can go from five months where you’ve got a tenant who’s rioting, and all your good tenants move and then you’re back to the stage where you’re trying to get a good set of tenants again.’

It was felt that there should be legislation to ‘fast track’ eviction of tenants who were antisocial. One landlord had made use of his local environmental health officer to help with the eviction process with regard to tenants who were causing a noise disturbance.

One or two landlords indicated that they had expedited an eviction in order to protect the existing tenants in a shared property. Some tenants had been paid to leave; others were simply told to go.

‘Occasionally maybe I’ve had to bully somebody out because they’ve been kicking people’s doors in and stealing their stuff and robbing their electric meters – you can’t allow that to happen, you’ve got to nip that in the bud quickly.’

For this landlord, firm ‘discipline’ was felt to be required with regard to managing shared property. However, there was, in general, very clear agreement that the use of any sort of threatening behaviour from the landlord was neither appropriate nor wise.

Property disrepair

Landlords were in agreement that inattention to repair and maintenance was unprofessional and largely against the financial interests of the landlord. However, many of the landlords being interviewed were evidently larger landlords, who themselves employed builders or other workmen, or who themselves completed repairs. However, the landlords did comment on the view from tenants that poor repair and maintenance had led to the end of their tenancy.

Landlords were often of the view that problems with disrepair often remained unreported by tenants, who sometimes left a problem to become so chronic that more major repair was required. One

example given was a ceiling that had collapsed because the tenant had failed to report a problem with a bathroom fixture which, they later told the landlord, had been leaking for weeks.

Perhaps more commonplace was the view that some tenants were themselves damaging property, and then blaming the landlord for not then fixing the property quickly enough. Landlords said that tenants often locked themselves out, and rather than contact a locksmith they sometimes broke windows or smashed doors to get in. There was a sense that bad tenants could provoke poor landlordism in response. Where a tenant was in arrears with the rent, then, landlords reported, they might not always prioritise a particular repair. In part this action was ‘punishment’ for the arrear; but also a means of encouraging the tenant to leave. In another case a landlord said that where tenants’ behaviour meant that repairs had to take place more often, after a while he would not bother to make much effort.

‘Am I going to drive over at midnight [to fix something] because they’ve all had a barney because they’ve all been drunk on cider?’

Slum landlordism

Each of the landlord groups was asked about the incidence of slum landlordism. In one area there was a blanket denial that any practices of the kinds being described by tenants were taking place. In another area, all the landlords were aware of a single individual whose practice was to find tenants in the local hostels. For all landlords dealing with the very bottom of the market, it was felt to be inevitable that there would be some tenants who had addiction problems. Some landlords felt able to ‘manage’ one or two single addicts provided they were not housed together. However, once two or more such individuals were living in a shared property, it was likely that the property would attract dealers and other drug users.

It was felt that this kind of landlordism had the capability of bringing higher levels of crime to particular neighbourhoods and to rapidly increase the unwillingness of other tenants to live there or other landlords to let there. However, the landlords felt that there was little they could do if that kind of activity had become evident. In the area in which this individual ‘slum’ landlord had operated, their activities were generally known but even so the individual had been accredited by the local council. This action had led one of the focus group landlords to withdraw their own accreditation application.

Conclusion

Housing need among the respondents to this survey more often reflected difficulties in gaining access after a previous tenancy had terminated, than the nature of the termination itself. Indeed, few of the tenancy terminations could not be predicted, but despite having looked – in some cases for months – tenants simply ran out of time to find another property.

The complexity of the issue means that solutions are not easy to devise. However, a better understanding of the workings of the bottom end of the PRS means that more suitable policy responses can be considered.

Data collection on difficulties in private renting is not extensive, and certainly not sufficiently nuanced to capture the differences in experience in the varied niche markets within the PRS. Furthermore, detailed questioning is required to unpick the causes of tenancy failure. Many tenants on low incomes enjoy long periods of private renting, and have satisfactory relationships with the landlord. However, the nature of renting at the very bottom of the sector does introduce some risks for tenants who are reliant on housing benefit.

Termination of tenancies: a question of data

First, it is appropriate to highlight the paucity of quantitative data on the incidence of households leaving private sector tenancies. Local authorities do collect information on the number of homeless households where a decision had been made on their housing status, and whose last settled place of residence was in a PRS property. However, this count excludes all households who do not approach the council because it is assumed that their cases would not be treated as priority. Further, some households – including, in the sample, families with young children – do not approach the council because they know from experience that the only offer that will be made will be a room in a bed and breakfast hotel. One respondent said that she had spent just two days in such accommodation, and left because her daughter had fallen down unguarded stairs and had to have stitches to her head.

The task of collecting data is complicated by the fact that unpicking the essential reason for the failure of a tenancy is by no means easy. Further interpreting that reason can itself prove problematic. For example, a landlord may ask a tenant to leave because of rent arrears. On investigation it might be found that the rent arrears represent a failure of housing benefit administration to process an application within a reasonable time frame. Some commentators may find it unreasonable that the landlord should not be patient; others may consider that the landlord has grounds to terminate any tenancy where no rent has been paid: indeed, the landlord would be within their legal rights.

Further difficulty comes in interpreting the failure of some individuals to hold down tenancies. This study indicated that, even given good quality and affordable property, some tenants simply could not overcome their addictions, or other personal difficulties, and sustain such a tenancy. The question remains as to whether the PRS is a suitable location for people with addictions and without any level of resettlement support. These people are the least likely to be able to negotiate their way in the bottom end of the rental market, are probably the most likely to end up in the poorest quality property, and are subject to the attention of a small but highly unscrupulous group of landlords.

Qualitative data has begun to disclose the complexities of renting at the bottom end of the private rented market. The questions being asked in large-scale surveys of landlords and tenants should be more attuned to this increased understanding so that a better feel is gained of attitudes, trends and behaviours in different parts of the rental market.

Renting on a low income: the options

The experiences disclosed by respondents in this study indicate that households seeking property at the bottom end of the sector are generally faced with three options. First, it is possible to secure good quality, affordable properties that are let by landlords willing to take people on housing benefit. However, it is clear that there is insufficient property in the 'good' sector of the housing benefit market. The respondents generally acknowledged that there were good quality properties available, let by landlords willing to take people on housing benefit. However, locating one was, in Mark's term: 'rock hard'. Indeed, some tenants might wait for years for such a property to become available. It is to be expected that once such a tenancy is secured, then the tenant is unlikely to move for some time. Parts of the housing benefit market are remarkably stable and contain households who have been living in properties for many years, enjoying a good relationship with their landlord. Outside this part of the sector, low-income rental can be harsh.

A second option is to seek a property in the wider rental market. However, the housing benefit system effectively marginalises the low-income renter. It becomes impossible for anyone on housing benefit to negotiate a path through the obstacles blocking the way to an 'open market' rental. Even if a tenant could save or borrow funds to pay rent in advance or deposits, many landlords were unwilling even to consider taking a tenant in receipt of housing benefit.

Thirdly, many of the households who had left tenancies were able to stay with friends or relatives for a short time, but this situation could not be sustained interminably. The long protracted wait for a good tenancy to emerge increased the likelihood of a household risking taking a slum rental. This kind of rental was innately unsustainable, and often resulted in tenants experiencing street homelessness, since leaving the property was often preferable to continuing the tenancy.

Recommendations

A better understanding of renting at the bottom end of the PRS means that it is possible to consider more effective policy interventions. This final chapter presents a series of recommendations that would bear most directly on some of the issues presented by the research. The recommendations are intentionally direct, and offer the prospect of ‘quick win’ positive outcomes that would not require changes in legislation. This is not to say that some problems in the sector may require more substantial policy intervention.

This report makes clear that a very limited range of housing options is available to people on low incomes. An immediate improvement would follow being able to access properties in the wider private rented market. However, housing benefit immediately places recipients in a position of disadvantage since they are unable to act in the same way as other tenants not reliant on benefit to pay the rent. For example, landlords generally expect tenants to begin paying their rent in advance, and to continue doing so during the course of the tenancy; landlords also expect to dictate the payment dates and methods for the rent; and landlords generally expect rental payments to run smoothly and without interruption for the course of the tenancy. It is very difficult for a tenant in receipt of housing benefit to meet any of these expectations.

Recommendation 1: There is scope to develop a ‘loss of work’ loan scheme offering immediate access to interest-free help with paying the rent, tied into an agreement that the first housing benefit payment would be repaid to the scheme.

These problems are most acute when someone in rented property loses their job. The application for housing benefit introduces a substantial disjuncture in their previous pattern of rental payment, and there is no ‘cushion’. If an individual loses their home soon after losing their job, it substantially reduces their ability to get back into the labour market. The introduction of the local housing allowance from April 2008 promises a reduction in processing times, which is welcome. However, a mechanism is required allowing access to short-term, interest-free credit to be used to meet rent obligations, on the understanding that repayment of the loan will be made once housing benefit is processed.

The detail of such a scheme requires consideration. It may be that the voluntary sector is particularly well placed to respond to this issue, and should consider piloting schemes for some kind of ‘loss of work’ loan as a homelessness prevention measure. Application for a loan would take place in association with assistance with the completion of a housing benefit form, ensuring that the first payment will be made back to the scheme, and instructing the local authority that information on the progress of the application can be shared with the scheme. Deposit guarantee schemes constitute a useful model, in offering support that is targeted at a single, key problem and sidesteps some of the complex bureaucracy that might attach to offering such assistance within existing statutory welfare structures. Indeed, access to a ‘loss of work’ loan could be one of the services offered by deposit guarantee schemes to help clients keep their property once they have settled into employment. People in accommodation are in a much better position from which to secure another job, and a ‘loss of work’ loan fits well with the preventive agenda.

Recommendation 2: The Government should review the availability of help with advance payments: almost all landlords require this sort of payment, and therefore the ability to gain help with deposits and rent in advance should be uniformly available. Help with deposits needs to be re-evaluated in the context of the introduction of the custodial tenancy deposits protection scheme, which safeguards deposit payments.

A second, connected, implication is that access to properties is further eased by the availability of advance payments. One respondent said that it was daft that it is no longer possible to get help with

rent in advance, and it seemed inequitable for only some households in some areas to have access to help with deposits: the need is universal. Research by Crisis and the London Housing Foundation found that although the majority of London boroughs operated some sort of deposit guarantee scheme, such schemes are not necessarily available to all households who need help. In particular, single people who are not deemed to be in priority need are not well served by such schemes.¹⁵

The research indicates that with the support of advance payments, households are more likely to find landlords willing to take a chance on letting to a housing benefit recipient, since those payments provide a buffer against the often substantial delays preceding the initial housing benefit payment. Further, it should be noted that the system of help with deposits has not been revised in light of the introduction of tenancy deposit protection schemes. The Government should review the possibility of introducing help with deposits – perhaps a loan – through a ring-fenced fund within the Social Fund, on the understanding that tenants could pay back a loan over the course of the tenancy. The deposits payable to landlords would be ‘safe’ once lodged with a custodial scheme and transferable from one tenancy to another.

Nevertheless, it should be noted that tenant experiences indicated that the existence of help with these kinds of payments did not necessarily guarantee a place in the PRS. In one of the case study locations, a deposit guarantee scheme was in operation, and two of the respondents – who were homeless at the time of the interview – said that they had access to deposit guarantees but still could not find landlords willing to accept them as tenants. It is clear that this kind of assistance will help some, but not all tenants.

Recommendation 3: All housing benefit application forms should include a box that tenants can tick, to give permission for information on the progress of a claim to be shared with their landlord. Tenants should be told about the possible advantages of landlords having access to this information, in terms of its allaying their fears with regard to any delay in payment. Local authorities should always honour a tenant’s wish for information to be shared with landlords.

Better support needs to be given for tenancies in the housing benefit market, by ensuring better

working relations between housing benefit administrators and landlords. Most landlords who routinely let to tenants in receipt of housing benefit know that problems do arise with applications, and are generally pro-active in ensuring that the necessary forms are completed correctly. At the very least, where a tenant has signalled agreement that information may be shared with the landlord, the local authority should co-operate with the landlord in clarifying issues relating to a claim.

Recommendation 4: The efficacy of selective licensing as a means of combating slum landlordism should be clearly established. If the measure is effective, good practice guidance should be circulated, with local authorities encouraged to take up this strategy.

A solution is required to effect better protection against slum landlordism. Environmental health teams within local authorities have been given additional powers under the Housing Act 2004, but not necessarily the additional resources to accommodate the extra workload. This report does not criticise the work of environmental health teams, but does highlight the consequences for individuals and communities where slum landlordism proliferates in a given community. The Housing Act 2004 has given local authorities powers to introduce selective licensing, although few local authorities have adopted this measure. Indeed, local authorities are advised to explore alternative strategies.¹⁶ At present it is uncertain whether a spatial approach could constitute a more effective enforcement measure than the licensing of individual properties, where slum landlordism is evident.

Recommendation 5: People who have lived at the very bottom end of the PRS can offer specific information on poor property management and condition: clear lines of communication should be established between hostels and day centres and relevant environmental health teams.

The fact that, in at least two of the case studies, individual slum landlords could be readily named by both tenants and other landlords indicates that these people are not necessarily ‘hidden’. In these two case study areas, the landlords were openly visiting homeless facilities to ‘recruit’ tenants. None of the respondents indicated that hostel managers had given any warning against such landlords: indeed, one night shelter had actually

¹⁵ Hoffland, A, and Watson, P, *Private rented sector access schemes in London*, Crisis and the London Housing Foundation, 2007.

¹⁶ Chartered Institute of Housing and Communities and Local Government, *Ways and means: local authorities’ work with the private rented sector*, 2006.

given a respondent the landlord's number. These landlords offer a tempting opportunity for agencies to improve their 'move-on' statistics. In actuality, hostels, night shelters and day centres are in a good position to alert enforcement agencies of the location and ownership of slum properties. Homeless people themselves are in the very best position to give expert narratives on the geography of poor property condition and management in the towns and cities where they hope to find a home.

Recommendation 6: Outreach and support teams working with the street homeless have the relevant skills and service links essential to effective working with the most vulnerable people living in very poor quality private renting. A project should be funded to establish and disseminate good practice on inter-agency working between environmental health and homelessness outreach and support teams.

Finally, this research has indicated the complexity of the needs of some of most vulnerable people who are living at the bottom end of the PRS. Some of these tenants would be the first to admit that they presented a challenge, even to the most tolerant landlord: problems with addictions in particular meant that it was not always possible to sustain even good quality properties.

It is not easy to arrive at effective housing policy intervention for this group, and in particular for those respondents with drug and alcohol dependencies.

Respondents living in hostels were more likely to have access to rehabilitation services; indeed, some respondents in hostels said that they had been through, or were undertaking, drug treatment programmes. Some voluntary sector agencies have been successful in delivering floating support to this kind of vulnerable client group, and have entered into arrangements with private landlords to provide semi-supported housing. However, the clients themselves have to opt in to such schemes and be willing to co-operate with support measures.

It is difficult to arrive at recommendations to frame assistance for people like Pete, whose extended episode of intensive addiction was highly chaotic, and who, perversely, found a place in slum renting for a surprisingly long period. The problem is made more acute by the 'invisibility' of the people in this group, who are living in slum rentals in tenancies supported by housing benefit and whose addiction difficulties may not be evident to the agencies best able to offer support.

It is essential that the needs of this group are brought more readily to the attention of support agencies, so improving access to resettlement services. One useful development may be to create linkages between environmental health and specialist outreach or support teams. These teams could visit properties referred by the environmental health service, and therefore reach vulnerable people who are not sleeping on the street but are still living in extremely poor and health-threatening housing conditions.

Appendix: methodology

Respondent details

Source of contact	
Shelter	7
Day centres	19
Hostel	16
Gender	
Male	23
Female	19
Age	
25 and under	9
26-35	22
36-45	7
46+	4
Household characteristics	
Single	26
Couple	3
Parents and child(ren)	5
Lone parent	5
Parent (children visiting)	1
Siblings/other relatives	2
TOTAL	42

Note: Household characteristic indicates the nature of the household at the time of the renting period being discussed.

Tenant interviews

In all cases, the interview schedule focused on the last settled private sector tenancy. The respondents were asked how they came to be looking to rent privately, and about securing the property into which they then moved. Details were collected about the tenancy itself including the kind of property, its location, and the rent being asked for. The interview schedule probed in detail the reasons why the tenancy came to an end, and the respondents were asked specifically about any changes in household and employment circumstances; any experience of claiming housing benefit on the tenancy; repairs and maintenance at the property; and the nature of their relationship with the landlord. The respondent was then asked about what happened immediately before and after the tenancy came to an end.

Landlord focus groups

The landlord focus group interviews took place after the analysis of the tenant interviews, to enable the views and experiences of the tenants to direct the issues brought up in the landlord topic guide. As a consequence, the focus group interviews concentrated on six main topics:

- why tenancies usually came to an end
- rent arrears
- housing benefit administration
- shared housing
- repairs and maintenance
- slum landlordism.

In addition, the comments made by the landlords generally allowed some conclusions to be drawn on the nature of letting at the bottom end of the sector.

Interview method

The interviews and focus groups were tape recorded and analysed using a standard matrix frame. The analysis drew out common themes, bearing directly on the experience of private renting. It should be noted that none of the respondents' real names have been used, and some personal circumstances may have been altered slightly to protect identities. This report is very much a qualitative report, and aims to use the recounted experiences to understand, rather than quantify problems.

Note

For the most part, tenants indicated that they dealt directly with landlords, or individuals who were acting on behalf of the property owner. Few of the tenants were dealing with letting agents. Similarly, all the landlords interviewed were directly concerned with letting their property, and had 'hands on' experience of managing their tenancies.

No attempt has been made by the author to judge the legality or otherwise of any of the actions taken by specific tenants or landlords; all anecdotes report just one side of any particular story.

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