

THE RENTERS' VOTE

Protect tenants in unsafe homes

A Renters' Manifesto for Councils



GENERATION RENT
The national voice of private renters



Introduction

On Thursday 6 May, voters in 125 unitary, district and boroughs councils in England will elect their local councillors.

These councils have extensive powers over enforcement of safety standards in private rented homes and protection from illegal eviction and harassment. Unitary and borough councils are also responsible for enforcing the ban on letting agent fees.¹

However, many tenants are unaware of their rights and many councils do not make it easy for

tenants to exercise them. Even when tenants do complain about mistreatment by landlords and letting agents, councils often do not respond with the help they need.

While the government must give councils more powers and resources to drive out criminal operators, most councils can do more to serve their private renters better.

Generation Rent wants Councils in England to:

1

Take formal enforcement action

whenever a rented home is found to be unsafe, in order to give tenants protection if their landlord tries to evict them or fails to make repairs.

2

Improve communication

with local renters, including regular ward-level drop-in sessions for renters, and a page on the council website for checking if a home needs and has a landlord licence.

3

Introduce landlord licensing

for as many private rented homes as possible in the council area, to boost the powers available to the council.

¹. In two-tier council systems, county councils have responsibility for Tenant Fees Act enforcement. There are elections in 21 county councils this year.

Our council candidate's pledge

We would like to see all council candidates be a champion for the local renters they represent and ensure the local authority does more to protect renters in unsafe homes.

Always take action to protect renters living in unsafe homes

- ✓ Ensure improvement notices are served on homes with severe hazards
- ✓ Make it easier for renters to understand how the council can help enforce their rights

Be a champion for renters they represent

- ✓ Develop a local private renter strategy
- ✓ Secure an online licence checker and help for renters to get rent refunds from negligent landlords
- ✓ Support local discretionary landlord licensing schemes
- ✓ Make sure the council website has useful information for renters that is easy to find

Reach out and talk to local renters about the issues they face

- ✓ Run ward drop-in sessions
- ✓ Distribute information on how the council can help

The scale of the problem

One in eight private rented homes has at least one severe hazard, meaning they are illegal to rent out.

Problems in the private rented sector are common, with two-thirds of private renters having had a bad experience in the past five years, according to a Survation poll commissioned by Generation Rent in February 2021.

More than a third (37%) had experienced mould or damp, 30% had gone without heating or hot water and a quarter had put up with leaks or draughts.²

Many landlords are responsive and will fix disrepair in a reasonable time. But we know too many are not. One in eight private rented homes has at least one

severe hazard, meaning they are illegal to rent out.³

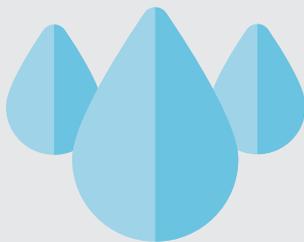
Councils have powers to tackle unsafe homes, but 46% of private renters are unaware of this.

If faced with a negligent landlord, private renters are more likely to look for somewhere else to live (44%) than contact their council (35%).⁴

In most parts of the country, landlords will easily find a replacement tenant so disrepair can easily go unaddressed, leaving those homes unfit to live in.

An estimated 1 million homes in England need a landlord licence, because either it is occupied by 5 or more unrelated people or the local council has introduced a licensing scheme for other types of home.

Half of private renters (48%) are unaware whether their home needs a licence, and 7% know it needs one but don't know if it actually does. The 8% who know their home needs a licence and know it doesn't have one could get up to a year's rent back through a Rent Repayment Order.



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are unaware whether their home needs a licence.

2. Question 12 of the Survation poll. A summary of findings can be found here: https://www.generationrent.org/elections_2021_evidence_summary

3. English Housing Survey 2019-20, Headline Report, Annex Table 2.4

4. Survation, Q1 and Q12

5. Survation, Q11

6. Survation, Q14

7. Further details in summary of research findings, *ibid.*

8. <https://find-energy-certificate.digital.communities.gov.uk/>

9. Section 128 of the Housing and Planning Act 2016, summary of research findings, *ibid.*

OUR SOLUTIONS:

Better communication between private renters and local authorities

Generation Rent analysed 102 council websites in 2019-20 and found that with 25 of them it was difficult to find information about how the council can support private tenants with unsafe homes.

Private tenants ought to be getting information about their rights through the government's How to Rent Guide, which landlords must provide at the start of a tenancy. But just 23% of private renters remember receiving this (70% got a tenancy agreement and 44% a gas safety certificate).⁵ While a landlord's failure to provide this guide confers certain protections on the tenant, not having it obviously means tenants are less likely to know about them.

Just 12% of private renters would go to their council first to learn about their rights – Google and Citizens Advice are the most common places to look with 26% of respondents selecting each.⁶ But councils often do not make it easy for renters who do come to them for help.

Generation Rent analysed 102 council websites in 2019-20 and found that on 25 of them it was difficult to find information about council support with unsafe private rented homes.

More than a quarter of websites (27) gave renters no means to check if their home had a licence. Barking & Dagenham, Leeds,

Newcastle upon Tyne and Sheffield are examples of good practice other councils should adopt.⁷

Councils also have resources they could use to proactively seek out private renters to educate about their rights.

Last year the government put Energy Performance Certificate (EPC) data online, which can be used to identify private rented homes, particularly as they are mandatory to let out a home.⁸

Since 2017 councils have also been able to request data about local properties subject to tenancy deposit protection – but just 33 councils of 86 that responded to an FOI request had used this power.⁹

Many councils have some kind of forum for local landlords to deliver training and consult on proposals, but only a handful have anything like this for private renters. Without a structure like this councils have no direct way of locating or communicating with private renters about their experiences and rights so cannot take the action they need to ensure all their residents are housed well.



More than a quarter of council websites (27%)

gave renters no means to check if their home had a licence.

Councils therefore must:

- Make sure their website makes it easy for private renters to find information about what the council can do to resolve problems in private rented homes, including an online licence checker and information about claiming back rent from a negligent landlord
- Use Energy Performance Certificate data to identify private rented homes and use direct mail to distribute information about renters' right
- Establish formalised structures to engage with tenants – such as routine consultations and a tenants forum – to learn about the difficulties tenants face and identify improvements the council should make to its housing and enforcement strategies.

OUR SOLUTIONS:

Greater enforcement action on unsafe homes

Generation Rent research showed three quarters of private renters are not getting the protection they need from their council when their home is unsafe.

Even when tenants understand their rights and seek the council's help with an unsafe home, they do not always get a good service.

When a home is found to be unsafe the council can issue the landlord with an improvement notice, which stops the landlord evicting the tenant under no-fault grounds for the next six months, and forces the landlord to carry out repairs or face a fine.

But according to Freedom of Information requests to 72 councils, for every improvement notice served in 2019-20 there were four Category 1 hazards. This means that three quarters of private renters are not getting the protection they need from their council when their home is unsafe.

Some councils are doing a good job – 14 served improvement notices in 90% or more cases of unsafe homes – but five issued no improvement notices at all.¹⁰

Where councils do not pursue formal enforcement action they will usually speak or write to the landlord, but this does not legally force the landlord to make repairs. Often further inspections and communication are needed before the tenant's home is fit to live in.

Informal enforcement action such as this should be unnecessary as tenants are

advised by government to give landlords two chances to resolve a problem before approaching their council (unless there is an imminent risk to health).¹¹

Improvement notices also give the tenant a paper trail if their landlord fails to make repairs and they wish to claim back rent through a Rent Repayment Order.

When we asked Generation Rent supporters what they would prefer to see happen if their landlord failed to provide a safe home, the most popular option was for the council to take over their home, make repairs and let them stay if they wished, with 45% favouring this. The second most popular was reimbursement of up to a year's rent, favoured by 24%. Just 12% prioritised punishment of the landlord, while 19% would prefer to be rehoused by the council.¹²

If councils are seen to be effective at enforcing housing standards, then more landlords will take care to comply with the rules and avoid fines. Councils should therefore publicise successful fines, prosecutions and banned landlords. Knowing more about what the council is doing to tackle criminal landlords will also give tenants more confidence to complain – though ultimately more security of tenure is needed to have a big impact, and that is in the Westminster government's hands.



Three quarters of private renters

are not getting the protection they need from their council when their home is unsafe.

10. Full data can be found here: https://www.generationrent.org/freedom_of_information_2020

11. <https://www.gov.uk/government/publications/how-to-rent-a-safe-home/how-to-rent-a-safe-home>

12. Further details in summary of research findings, *ibid*.

As well as safety standards, local councils have powers to protect tenants from illegal eviction and harassment, where landlords try to force out renters without going through the court system. But out of 90 councils that responded to FOI requests just 17 have an officer with specific responsibility for enforcing the Protection from Eviction Act 1977. In the past five years, 57 councils recorded 7177 offences, but just 69 prosecutions took place in the same period.¹³

In the absence of specialist Tenancy Relations Officers, tenants who are evicted illegally go to housing services if they need help to be rehoused. As Dr Julie Rugg of York University noted in 2020, "homelessness staff are not always aware of which houses in multiple occupation (HMOs) have been or should be licenced; and ... do not always share information on problematic landlords and letting agents with enforcement staff".¹⁴

A recent study from the UK Collaborative Centre for Housing Evidence called for

a tenant-focused approach to regulating the private rented sector.¹⁵ By having enforcement, licensing and homelessness teams work together, problems could be dealt with in the round rather than in silos, with the tenant's needs put first. Illegal evictions resulting in homelessness could then prompt further action by the enforcement teams against offending landlords.

Letting agents were banned from charging tenants fees in 2019 and Trading Standards teams are responsible for enforcing the law. But unless tenants actively spot and report illegal fees, some letting agents will keep trying to rip tenants off. If one tenant comes forward with a complaint about a letting agent there is a good chance there are many others who have been stung but have stayed quiet. Councils have investigatory powers to identify agents' customers who might have paid illegal fees – helping to build the legal case, and ultimately reunite those renters with their money.

“Homelessness staff are not always aware of which houses in multiple occupation (HMOs) have been or should be licenced; and ... do not always share information on problematic landlords and letting agents with enforcement staff.”

Dr Julie Rugg of York University noted in 2020

Councils therefore must:

- Always serve improvement notices when severe hazards are found to protect tenants
- Publicise successful prosecutions and enforcement statistics to encourage reporting by tenants and compliance by landlords
- Integrate housing services, landlord licensing and housing safety teams, and appoint one person accountable for enforcing the Protection from Eviction Act
- Make sure Trading Standards requests contact details of all tenants who have made payments to letting agents suspected of breaking the Tenant Fees Act and contacts them to check if they have been ripped off

13. Further details in summary of research findings, *ibid*.

14. Page 5 https://trustforlondon.org.uk/digitaloceanspaces.com/media/documents/London_Boroughs_management_of_the_PRS_Feb_2020.pdf

15. Page 91 https://housingevidence.ac.uk/wp-content/uploads/2020/08/200803_ComplianceReport_Final.pdf

OUR SOLUTIONS:

Increased use of licensing to protect tenants

Licensing is a valuable tool to protect tenants and weed out criminal landlords.

Unlike in Wales and Scotland, there is no registration of landlords or rented properties in England, though the government is looking at creating a database to monitor energy efficiency standards and a redress scheme.

But there is landlord licensing. All houses in multiple occupation with 5 or more unrelated occupants must be licensed, and councils can introduce licensing for smaller HMOs and 1-bed, 2-bed and family homes. However, if a council wishes to license more than 20% of its private rented stock, it must seek approval from the Housing Secretary. As a result, there are very few authority-wide licensing schemes.

Licensing creates a system to monitor landlords and help councils target enforcement resources. It allows tenants and enforcement officers see at a glance if a landlord meets minimum legal standards, with clear penalties for non-compliance, including revocation of the licence.

Councils with licensing schemes can also intervene more easily to protect tenants, by inspecting properties without needing to inform the landlord, and taking over unsafe properties using Interim Management Orders (IMOs).

Complaining about a landlord can be an intimidating experience. We have heard from tenants in unlicensed areas who have withdrawn complaints when they were told that the council would have to inform the landlord before inspecting the home. In the absence of new legislation to beef up councils' powers, licensing is a valuable tool to protect tenants and weed out criminal landlords. Given what renters have told us about how they would like councils to act on unsafe homes, the availability of IMOs should make licensing a popular option too.

But councils must use licensing in the tenants' interests and take care to build trust in their schemes. Unfortunately, some councils have allowed licensing schemes to be used to target undocumented migrants as part of the government's immigration enforcement activities. If reporting your landlord carries the risk of getting you deported, many tenants will tolerate mistreatment in silence and landlords will continue to get away with exploitation.

Councils therefore must:

- Introduce licensing schemes to cover as many private rented homes as is practical
- Use Interim Management Orders to take over unsafe homes subject to licensing, make repairs and allow tenants to stay there
- Commit not to use landlord licensing to enforce immigration law, and make sure all renters are confident about complaining about landlords to the council.

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Generation Rent's mission is that every home in the private rented sector is safe, secure and affordable.

How to contact Generation Rent

w: generationrent.org

e: dan@generationrent.org

🐦 [@genrentuk](https://twitter.com/genrentuk)

📘 facebook.com/generationrentuk

📷 [@generationrentuk](https://instagram.com/generationrentuk)

Generation Rent
71 Howard Street,
North Shields, NE30 1AF

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