

Older private tenants (England)

November 2019

Older tenants need housing that provides a permanent, warm, affordable and suitable place to live and one that they can call a home, without the constant threat of eviction.



Private rented sector

There are now 4.5 million^{vi} households living in the private rented sector, which represents the second largest form of housing (20 per cent of all tenures). Its role has changed over time as increasing numbers of tenants have come to rely on it to provide a long term home rather than temporary accommodation while moving between different tenures. Older tenants need housing that provides a permanent, warm, affordable and settled place to live - offering peace of mind.

The number of older people living in the private rented sector is relatively small at present, but there are still an estimated three-quarters of a million older renters in England. A future increase in older tenants seems very likely due to demographic trends and because of a significant growth in younger and middle-aged

Key statistics

Around 750,000

older tenants live in Englandⁱ

25%

of private rented homes are non-decentⁱⁱ

Non-decent housingⁱⁱⁱ costs the NHS

£1.4 billion each year^{iv}

Only 7% of grants

for adaptations go to private tenants^v

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tenants who will be unable to buy a property or rent in the social rented sector. Several reports outline the experience of older private tenants including the Age UK report '*Ageing in squalor and distress: older people in the private rented sector*' and the Age UK London report '*Living in Fear*'.

Older tenants' voices rarely get heard because of a fear of eviction as a result of making a complaint. Where older tenants need to move to more suitable housing they are restricted by limited housing options, primarily as a result of the decline in social rented and supported housing.

Many older private tenants with insecure assured shorthold tenancies are particularly vulnerable to living in poor and unsuitable housing. Limited security of tenure contributes to poor conditions in the sector which has a detrimental impact on health and well-being. At the same time it should be recognised that older people can have a positive experience of private renting, especially when provided by a good landlord.



Insecurity of tenure

Age UK believes security of tenure is the main issue for many older tenants living in the private rented sector. The vast majority of private landlords grant assured shorthold tenancies (ASTs), which currently give them the option of evicting on a 'no fault' basis after the first six months or at the end of a longer (typically 12-month) fixed term^{vii}. This is sometimes called 'section 21' eviction, referring to the part of the legislation that enables it. Not only does this limited security of tenure fail to offer older people stability and the opportunity to put down roots, but it has implications for their ability to tackle sub-standard and inaccessible housing conditions.

In July 2019 the Government at the time announced that it planned to end section 21 evictions. It launched a consultation on the abolition of section 21 notices which would result in the creation of open-ended tenancies in England. As part of removing section 21, the consultation proposed that the grounds for repossession should include circumstances where a landlord intends to sell or move into a property themselves, and that should be easier and faster for a landlord to gain possession of a property under section 8 of the Housing Act 1988. This primarily gives the landlord grounds for eviction where the tenant fails to pay the rent or behaves in an anti-social way.

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The consultation also proposed specific measures to speed up the court system and make section 8 evictions easier and less protracted. As part of this it is consulting on establishing courts dedicated to housing and will give bailiffs a stronger role in carrying out repossessions where a court has issued a warrant.

Affordability

Unaffordable rents are a pressing issue, particularly in London and the South East. High rents mean: more older people experiencing financial hardship to cover their costs; older people forced to move to areas where they have no connection; and an increased risk of homelessness. There is debate over how and to what extent rents should be controlled or capped and the impact this might have on the overall supply of private lettings. The Government freeze on Local Housing Allowance (LHA, which determines how much Housing Benefit you receive in the private rented sector) means it no longer covers a capped payment rate which was based on the 30th percentile of market rents (i.e. the bottom third of rents). Although local authorities can make Discretionary Housing Payments to vulnerable people this is selective and does not resolve the shortfall in Housing Benefit.

Links to older homelessness

Official statistics show increases in the numbers of older people accepted as homeless over 60 in England, from 1,800 in 2012/13 to 2,500 in 2017/18^{viii} - but this should be regarded as an indicator of a much larger problem. Official figures show that a loss of private rented accommodation is a major reason for an increase in homelessness. A local authority has no requirement to offer long term permanent accommodation to a vulnerable older person accepted as being homeless. Where older people are offered housing, this is often unsuitable and insecure private rented accommodation with little or no support or care to help sustain the tenancy.

Poor conditions and unsuitable housing

Poor conditions in the private rented sector have a disproportionate impact on the health and wellbeing of older tenants. Non-decent properties can be found in 25 per cent of this sector in England^{ix} – the highest proportion compared to other tenures, although the total number of non-decent homes in this sector has gone down over the last 10 years, showing that progress is possible.

Tenants are often reluctant to make complaints or seek improvements and often put up with poor or dangerous conditions. Safeguards were introduced to prevent 'retaliatory evictions'

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taking place, under section 21, where a tenant complains about property conditions. But these safeguards are complicated and bureaucratic and have not resolved the problem.

Home adaptations

One advantage for older and disabled people of open-ended rolling tenancies, as proposed by recent Government consultation, is that they will make it easier to claim a Disabled Facilities Grant (DFG) for a home adaptation. To qualify for a DFG you currently need to provide evidence to your local authority that you will be living in a property for five years. (You also need the landlord's consent to carry out work.) There are still likely to be administrative barriers to securing a grant although reforms are likely, at some point, following a recent review of the DFG system.^x

Public Policy Proposals

- Age UK supports proposals to abolish 'assured shorthold tenancies' and 'no-fault eviction'.
- There should be faster court procedures for possession, as set out in the recent consultation, but these must not undermine the rights of older tenants to have a court hearing.
- The Government must ensure that older tenants can gain access to housing advice and legal resources to take up complaints and remedy problems.
- The Government must curb excessive rent levels and rent increases that push older tenants into poverty and should unfreeze and reset Local Housing Allowance (LHA) payments at a higher level.
- Regulation in the sector must be improved by extending local authorities' ability to license landlords, as a step towards establishing a national register of all private landlords, including a requirement to adhere to minimum standards to operate.
- The Government should increase the take-up of Disabled Facilities Grant for older private tenants by establishing long-term secure tenancies and promoting grants, assistance and advice to both landlords and tenants.
- The Government must provide better guidance to landlords on home adaptations and improving accessibility standards. All local authorities should use their powers under the Regulatory Reform Act^{xi} to make it easier for landlords and tenants to fund and install adaptations.
- The Government must implement the duty under Section 36 of the Equality Act 2010 for reasonable adjustments to the common parts of a property to aid disabled residents.

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- There are limitations to the capacity of the private rented sector to deliver suitable housing for vulnerable older people. The Government should enable local authorities to build more social housing, including supported housing, to extend the options available to older private tenants.

Want to find out more?

Age UK has policy positions on a wide range of issues, covering money matters, health and wellbeing, care and support, housing and communities. There are also some crosscutting themes, such as age equality and human rights, age-friendly government and information and advice.

Further information

You can read our policy positions here; www.ageuk.org.uk/our-impact/policy-research/policypositions/
Individuals can contact us for information or advice here; www.ageuk.org.uk/informationadvice/ or call us on 0800 169 8787

Also see our policy positions on *Specialist Retirement Housing* and *Energy*.

Age UK report '*Ageing in squalor and distress: older people in the private rented sector*'. Available at: https://www.ageuk.org.uk/globalassets/age-uk/documents/reports-and-publications/reports-and-briefings/safe-at-home/rb_oct16_ageing_in_squalor_and_distress_report.pdf

Age UK London report '*Living in Fear*'. Available at: <https://www.ageuk.org.uk/globalassets/globalassets/london/documents/older-private-renters/living-in-fear.pdf>

Age UK Factsheet - Finding private rented accommodation (July 2019). Available at: https://www.ageuk.org.uk/globalassets/age-uk/documents/factsheets/fs63_finding_private_rented_accommodation_fcs.pdf

ⁱ Age UK analysis of the English Housing Survey 2017-18. The number of people aged 60 or over living in the private rented sector is estimated to be 744,698 (with a 95% confidence interval of between 616,703 and 895,964). Households with members aged below 60 and aged 60 or above are assumed to only have one person aged 60 or over living in them due to the limitations of the data; this may lead to an underestimation of the number of people aged 60 or over living in the private rented sector

ⁱⁱ English Housing Survey Private rented sector, 2017-18. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817630/EHS_2017-18_PRS_Report.pdf

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ⁱⁱⁱ Definition includes: assessed as having one or more serious hazards, is in a poor state of repair, lacks modern facilities in reference to kitchen, bathroom and WC and fails to provide a reasonable level of heating.

^{iv} BRE (2015). The cost of poor housing to the NHS [online]. Briefing paper. BRE website. Available at: www.bre.co.uk/healthbriefings

^v Foundations (2016) The Disabled Facilities Grant Before and after the introduction of the Better Care Fund. Available at: <https://www-foundations.uk.com/media/4665/dfg-report-final-interactive-converted-draft-6-small.pdf>

^{vi} Available online at: <https://www.ons.gov.uk/economy/inflationandpriceindices/articles/ukprivaterentedsector/2018>

^{vii} At the end of a fixed term assured shorthold tenancy it continues as a periodic tenancy where the landlord must give at least two months' notice to end it.

^{viii} ONS (Sept 2019) UK homelessness: 2005 to 2018. Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/ukhomelessness/2005to2018>

^{ix} See above – ref 2.

^x Mackintosh, S (2018) Disabled Facilities Grant (DFG) and Other Adaptations – External Review. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/762920/Independent_Review_of_the_Disabled_Facilities_Grant.pdf

^{xi} Provides more flexibility in the use of Disabled Facilities Grant and other related funding.