

# **Ageing in squalor and distress: older people in the private rented sector**

**Older people who privately rent their homes**

Age UK, October 2016

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## 1. Introduction

The media often reports high figures for the amount of housing wealth owned by older people, with one estimate putting the figure at £1.28 trillion<sup>1</sup>. But these reports can obscure the fact that more than 21 per cent of older people over 55 have no housing wealth at all<sup>2</sup>. This percentage is likely to grow as increasing numbers of older people find themselves living in rented property.

Around 75 per cent of households aged 65+ are owner-occupiers, with most owning their home outright.<sup>3</sup> Those owning outright will continue to rise from 32% in 2014 to 35% by 2025<sup>4</sup> according to projections. Despite this, in the longer term, homeownership is likely to decline for future generations as the private rented sector continues to expand.

### 1.1. Trends in private renting

Overall, in 2014-15 there were 4.4 million households living in the private rented sector in England. This total now exceeds the 3.9 million households living in the social rented sector<sup>5</sup>.

Today, the number of older people living in the private rented sector in England is significant but still relatively small: the English Housing Survey (EHS) shows that in 2014-15 households over 65 made up 8.5 per cent (360,000) of the total<sup>6</sup>.

However, a key trend in the private rented sector is the growth in tenants under 40 who are likely to continue renting, unless they can secure affordable alternatives. A recent report by the accountancy firm PwC predicts that by 2025 more than half of those under 40 will find themselves living in private rented property and overall a quarter of all households will rent privately<sup>7</sup>. **This means that in future there is likely to be a significant rise in older private tenants.**

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<sup>1</sup> [http://www.demos.co.uk/files/Demos\\_APPG\\_REPORT.pdf?1415895320](http://www.demos.co.uk/files/Demos_APPG_REPORT.pdf?1415895320)

<sup>2</sup> ONS - Wealth and Assets Survey (Wave 4 - July 2012 to June 2014)

<sup>3</sup> HM Government (2015) Family resources survey: June 2015. Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437481/family-resources-survey-2013-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437481/family-resources-survey-2013-14.pdf)

<sup>4</sup> PwC (2015) UK housing market outlook: the continuing rise of Generation Rent. Available at:

<https://www.pwc.co.uk/assets/pdf/ukey-section3-housing-market-july-2015.pdf>

<sup>5</sup> DCLG (2016) English Housing Survey 2014 to 2015. Available online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/538734/FA1211\\_number\\_of\\_people\\_living\\_in\\_house\\_hold\\_by\\_tenure.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538734/FA1211_number_of_people_living_in_house_hold_by_tenure.xlsx)

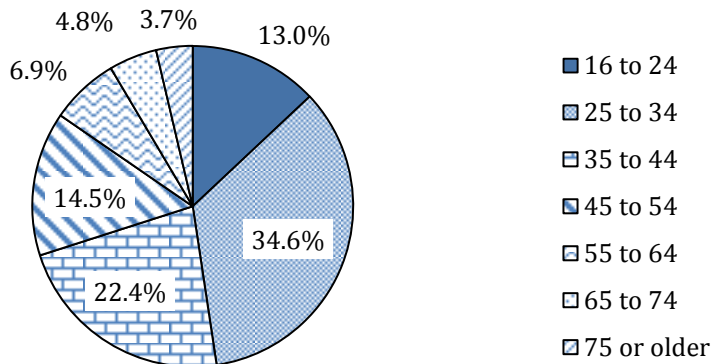
<sup>6</sup> DCLG (2016) English housing survey 2014 to 2015: private rented sector report. Available online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539060/Private\\_Rented\\_Sector\\_-\\_Chapter\\_1\\_Figures\\_and\\_Annex\\_Tables\\_FINAL.xlsx](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539060/Private_Rented_Sector_-_Chapter_1_Figures_and_Annex_Tables_FINAL.xlsx)

<sup>7</sup> PwC (2015) UK housing market outlook: the continuing rise of Generation Rent. Available at:

<https://www.pwc.co.uk/assets/pdf/ukey-section3-housing-market-july-2015.pdf>

## Age of private renter 2014/15



Source: DCLG (2016)

### 1.2. Private renting in the future

Traditionally, the private rented sector has served as a stepping stone to other forms of tenure. In future though it looks like it will become a permanent form of tenure for those unable to buy their own home or rent social housing. It would be fair to say that the current model of private renting does not universally offer secure, high quality, low cost housing. This poses difficulties for some tenants of all ages today but could become a growing problem for older people in the years to come, who will want and will need to live in comfortable, warm and secure accommodation as they age.

It has been estimated by the Centre for Housing Policy at York University that by 2040 a third of 60 year olds will be renting<sup>8</sup>. Many are expected include people who have never owned their own home. Some commentators argue that this will put increasing pressure on housing benefit expenditure and social care, if retirement incomes do not keep up with rent levels.

This briefing paper looks at the implications of this trend, as well as the position of the several hundred thousand older private tenants today. It reviews a selection of Age UK casework on private renting, collected between 2013 and 2016. It describes the experiences of some older private tenants and those who support and care for them, to ask how well private renting really works for older people and what needs to change if the sector is to achieve a better fit with older people's needs and aspirations.

The private rented sector's main area of growth is in younger households, especially in the 25-34 age group. However, as has already been explained, there are good reasons to believe the number of older tenants will rise significantly in the future.

<sup>8</sup> University of York (2015) UK Housing Review. Available at: <https://www.york.ac.uk/chp/news/2015/chp-news-uk-housing-review/>

The factors contributing to this rise are thought likely to include an increase in the older population; a growth in older households, a generation of younger tenants who will have fewer options to move out of private renting due to a decline in social housing; a reduction in the ability of low and middle-income groups to buy their own home and Government policies that place an emphasis on home ownership rather than low cost accessible rented housing.

Older tenants offer advantages for landlords because they can provide a stable income and are more likely to seek quiet enjoyment of their homes. There are also advantages for older people if it allows them to live in good locations with easier access to local services, transport links and near to relatives and friends.

Despite the modest increase in older renters revealed by the English Housing Survey, (from a recent survey by the National Landlords Association (NLA) found that the numbers of retired people in the UK moving into the private rented sector has increased by 200,000 in the UK over the last four years<sup>9</sup>. There is also evidence of more older people looking to share rented accommodation.

The flat share website 'Spare Room' says that 40,000 of their users are over 55 and the number of 65+ people seeking a room to rent has increased by 725 per cent since 2009<sup>10</sup>. This probably reflects rising house prices reducing the option to buy, increased rent levels creating a push towards sharing, combined with an increase in single householders, including those who are separated or divorced.

### 1.3. What are the main issues for older private tenants?

The main issues highlighted by the case studies in this report include:

- A failure to carry out timely repairs with potentially serious health implications for vulnerable older people.
- Older tenants in damp and mouldy homes, exacerbating chronic health conditions. This is often accompanied by a lack of adequate heating, cold and drafty rooms, poor insulation or faulty and expensive heating systems.
- Unexpected rent increases after a landlord has made improvements to their property and unaffordable rents affected by restrictions in housing benefit.
- Older tenants who are getting no other support having to rely on families and even neighbours to take up issues on their behalf.

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<sup>9</sup> NLA (2016) Number of retired renters soars by more than 200,000 in 4 years. Available at: <http://www.landlords.org.uk/news-campaigns/news/number-retired-renters-soars-more-200000-in-4-years>

<sup>10</sup> Wace, C. (2016) Soaring numbers of middle-aged and elderly are renting with others. Available at: <http://www.dailymail.co.uk/news/article-3625675/The-60s-forced-flat-sharing-Soaring-numbers-middle-aged-elderly-renting-increasing-property-prices.html>

- Insecurity and a justified fear of eviction acting as a disincentive to challenge poor conditions and services.
- Difficulties with getting home adaptations carried out, such as providing a ramp or storage space for equipment.
- Lack of privacy and limited control over the home environment.
- Lack of alternatives or assistance if private rented accommodation becomes unsuitable and an older tenant needs to move.

## 2. Age UK case studies

Our free and confidential national telephone service - Age UK Advice - has been running for over 15 years, speaking to over 20,000 people a month. This is in addition to the services run by local Age UKs who also provide information and advice for older people, their friends, relatives, carers and organisations working for and on behalf of older people.

Getting an overview of the experiences of older tenants is difficult. They are dispersed and often lack representation, meaning their voices can go unheard. However, calls to the Age UK Information and Advice line<sup>11</sup> give us an indication of the kinds of problems experienced in those parts of the private rented market which are more likely to be occupied by older tenants who are on a low income and who may also be vulnerable for other reasons, such as chronic ill health.

This briefing paper does not claim to be representative of all older private tenants. Many older people find private renting a positive and flexible option and those who enjoy living in the sector and who receive a good service are unlikely to contact Age UK for help.

The case studies described here cover issues that can and probably do impact on all age groups. However, the problems we identify can have a greater impact on vulnerable people, including those who are also older, many of whom find it difficult to resolve their problems without assistance.

Our records show a number of recurring issues over the past three years. We have changed names, gender and certain details and characteristics of the cases to preserve our callers' anonymity.

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<sup>11</sup> Many thanks to Richard Kitch for analysing our records.

### 3. What do our case studies tell us about the experience of older private tenants?

#### 3.1. Disrepair and damp

Unsurprisingly, older tenants struggling to get essential repairs carried out is a common and reoccurring theme in our case work.

Sarah wrote to us about an older neighbour she has helped.

*Richard is house-bound and very frail. He rents his house from a private landlord and pays £590 a month. It has an outside toilet and no bathroom. There is only running water in the kitchen. The only heat is an electric radiator. When something breaks the landlord uses the cheapest contractors they can find – so it inevitably breaks down again. He's had no hot water in the kitchen for 6 weeks because the workman they sent to fix it was incompetent. They have asked Richard to move out temporarily to do further work. He is completely alone and terrified to leave his home'.*

Where older tenants, like Richard, have been forced to live in poor conditions for long periods of time it is understandable that they might be distrustful of a landlord who promises to put things right.

*Christina is a private tenant, who has lived in the same property for 54 years. She has health problems and her daughter Kim says the disrepair is affecting her health. This includes dampness, a broken boiler and a leaking tap that causes occasional flooding, and no fence to the garden. The letting agent has been informed of the need for repairs but the landlord has taken no action. Kim is not sure if the agent has explained the full extent of disrepair to the landlord. Kim thinks the landlord and agent are waiting for Christina to die before they will do anything to improve the property.*

Failure to take action on disrepair serves to undermine the advantages of a regulated tenancy (see p.10) and the security of tenure they offer.

Where the local authority intervenes to address a complaint about disrepair, it can be a long drawn out process to resolve the problem, assuming it is resolved at all. Delays in dealing with disrepair can cause or exacerbate poor health and create distress and anxiety. Where disrepair cannot be addressed, finding alternative accommodation is often difficult.

Other older tenants, like Jim, may have difficulties getting complaints taken seriously by their local authority and then face the threat of eviction when they try to resolve their problem (see p.9)

*Jim has ongoing problems over service and maintenance issues. Recently, part of the chimney fell down and nearly hit him. Jim contacted the local authority environmental health department about this and other complaints about disrepair, but they refuse to take any action. Jim says the landlord has now threatened him with eviction.*

Disrepair can have a particularly detrimental effect on older people with chronic health problems. Here are two specific examples:

*Jeff and his wife Maureen have rented a one bedroom flat since 2013. Serious damp got into the clothes drawers under the bed, which meant they had to discard many items of clothing. They reported the problem but received no help to resolve the situation. They have both developed bronchial problems as a result of the damp since they moved in. A surveyor confirmed that damp is coming up through the floor. They have dehumidifiers on constantly and windows open most of the time. They are worried that unless they get help their health could deteriorate further and they fear contracting pneumonia or worse.*

*Mike rents from a private landlord and has a number of health problems including diabetes, arthritis and fibromyalgia - making it difficult for him to do things at home. The heating doesn't work properly and a radiator has been leaking for the last 4 months. The radiator was eventually fixed. Mike was charged for it, but the heating still doesn't work properly. He contacted his local environmental health department who visited the property but took no further action. He was advised to speak directly to his landlord but she doesn't answer any of his calls.*

### 3.2. Dampness

Damp can have a severe impact on older people and can exacerbate a range of serious health conditions. However, in legal terms dampness is not treated as disrepair, although disrepair may be a cause of the damp. Landlords have statutory obligations towards disrepair, but not to remedy a damp problem unless a local authority serves a notice requiring them to do so. This is one of the reasons there have been calls for an implied 'fitness for human habitation' clause in tenancy agreements (see p.10). This would make it easier for tenants to take legal action to remedy a damp problem or claim damages without relying on a local authority. However, taking legal action can be complicated. There are restrictions on legal aid and tenants may still be under the threat of 'retaliatory eviction' by the landlord.

*George has lived in a private rented flat since 2011. The flat has damp problems so he contacted his local environmental health department. Despite this, the problem has still not been resolved after more than 2 years. The work required has been identified but needs the agreement of the owner before it can commence. As a consequence, George has applied to his local authority for rehousing due to the ongoing deterioration in the condition of the property. He has moved up the priority list but in the meantime requires a deposit, agent's fees and other costs to move to alternative private rented accommodation.*

### 4. Cold homes

There have been a number of schemes to improve heating and energy efficiency for older people. Age UK receives many call about broken boilers – but it can be difficult to arrange repairs through these schemes. Although a boiler replacement is available under the Energy Company Obligation (ECO) scheme, this is becoming more restricted. Many older tenants are unaware of schemes

like ECO, which are often complex to engage with. From 2018 private rented property will need to comply with higher Energy Performance standards. Given the poor track record on energy efficiency measures there are concerns that landlords may be able to avoid their obligations. Other grant schemes may only be available if you have a Home Improvement Agency in your area. In addition, local authorities have seen cuts to housing renewal grants which limits their capacity to help older people on low incomes.

A number of our cases reveal problems with faulty or inadequate heating. For example:

*Mike was told some time ago by the 'gas people' that he needed a new boiler. He contacted his landlord several times, but she has done nothing to address the problem. As a consequence there is now no hot water. Mike's carer says she is not sure how to deal with the situation.*

*Colin and Jenny's house is rented from a private landlord in a rural area. They like the house but it's difficult to heat. They have a wood burner which only heats one room. Jenny has a terminal illness and it is important she stays warm. Colin is retired and has arthritis. He has to bring the wood in and clean the fire. They are confined to one room and cannot afford to heat the whole house.*

One case concerned poor heating and disrepair in a mobile 'park' home<sup>12</sup>.

*Frank has an on-going issue with his landlord. He lives in a mobile home and has paid rent in advance. The property is in poor condition and needs significant work. The roof is falling apart and there is mould and dampness in the property. There isn't adequate heating and there is no insulation. The windows are not appropriate for a mobile home. The landlord has said he is not responsible for the repairs. The environmental health department has made frequent visits but there has been no outcome from their inspections. He is unable to afford a solicitor to pursue the matter further.*

## 5. Consequences of poor conditions

Poor housing conditions have wider implications. Cold, damp and disrepair are likely to have a disproportionate impact on the health and wellbeing of older people. The Building Research Establishment (BRE) has estimated that poor housing costs the NHS £1.4 bn each year.<sup>13</sup>

Parts of the private rented sector offer some of the worst housing conditions compared to other tenures. Overall, the English Housing Survey (EHS) reveals that in 2014, 28 per cent of private renters (1.2 million households) lived in dwellings that were non-decent. This compares with

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<sup>12</sup> Age UK has highlighted the specific difficulties with heating and insulation in mobile homes in our report 'Don't leave park homes out in the cold'. Available online at: <http://www.ageuk.org.uk/Documents/EN-GB/Campaigns/winter%20health/4982%20Age%20UK%20ID202741%20Park%20Homes%20Campaign%20Report.pdf?dtrk=true>

<sup>13</sup> Nicol, S. Roys, M. and Garrett, H. (2014) The Cost of Poor Housing to the NHS. (BRE). Available at: [http://www.housinglin.org.uk/\\_library/Resources/Housing/Support\\_materials/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf](http://www.housinglin.org.uk/_library/Resources/Housing/Support_materials/87741-Cost-of-Poor-Housing-Briefing-Paper-v3.pdf)



around a fifth (21 per cent) of owner-occupiers aged over pension age, who live in non-decent homes<sup>14</sup>. More generally, for all tenures, the EHS shows that 29 per cent of households where the oldest member was 85 or over lived in a non-decent home<sup>15</sup>. It seems likely that a significant proportion of these people will be in the private rented sector.

The EHS says ‘Older renters, those living alone, and those who have been resident for ten or more years were also relatively more likely to be living in non-decent homes’.

Despite the numbers of non-decent homes, over two thirds of private rented sector tenants across all age groups (68 per cent) were satisfied with the repairs carried out by their landlords, and a similar proportion (69 per cent) were satisfied with the housing services their landlord provided.<sup>16</sup> This shows that private rented housing can offer a good service, although the potential threat of eviction may have influenced some of the responses given to such surveys.

It also needs to be acknowledged that the experience of a 60 year old in full-time employment living in good quality rented housing is likely to be very different to a retired 80 year old on a low income with care and support needs living in the poorest part of the sector: it is the position of the latter group that is of particular concern to us.

## 6. Mobility and adaptations

Readers may be surprised to learn that making an adaptation to a rented property can prove difficult without the cooperation of the landlord, even where it is to meet a person’s increasing need for care and support.

*Alice contacted us on behalf of her father, Andrew, who is 81 years old and lives in a privately rented flat. Over the last couple of years he has become less mobile and Alice would like her dad to have a walking aid that he can use outside. Although Andrew lives in a ground floor flat there are still five steps outside the main door of his block. This makes it impossible for him to carry the walking aid he needs up and down the stairs. Alice wanted to know the obligation of the landlord to install a ramp, either at the back or front of the building that would enable him to bring his walker in and out. He would need to store it in his flat because there is nowhere to put it on ground level.*

The short term and insecure nature of private renting can mean that some landlords may obstruct adaptation to a property. Local authorities can refuse an application for a Disabled Facilities Grant if the tenant is unable to certify that they will continue to live in a property for a defined period of time following the completion of the work. This presents a problem for the longer term suitability of private rented accommodation, given the growing recognition that home adaptations and

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<sup>14</sup> DCLG (2015) English Housing Survey 2013-14. Available online at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/461439/EHS\\_Households\\_2013-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/461439/EHS_Households_2013-14.pdf)

<sup>15</sup> DCLG (2016) English Housing Survey Housing for Older People Report, 2014-15. Available online:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539002/Housing\\_for\\_Older\\_People\\_Full\\_Report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539002/Housing_for_Older_People_Full_Report.pdf)

<sup>16</sup> DCLG (2015) English Housing Survey 2013 to 2014. Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/461439/EHS\\_Households\\_2013-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/461439/EHS_Households_2013-14.pdf)

equipment play a vital role in promoting independence at home and reducing demand on the NHS and social care system.

*Peter is 71 and lives in private rented accommodation. He was a good tenant so the landlord enabled him to sign a 36 month contract. At that time Peter could cope with the property. He has since stayed in hospital and was assessed by an occupational therapist as requiring a level access shower rather than a bath. The landlord refused to give permission for this, even after the occupational therapist contacted him. Peter has found a new rented property and would like to move there. However, the landlord has said that he will have to pay for the rent and bills until a new tenant is found, as well as the letting fee.*

## 7. Barriers to home safety

Landlords must comply with health and safety regulations to protect their tenants. Many cases in this briefing paper reveal unsafe and potentially hazardous conditions. However, a lack of trust in the landlord can sometimes become a barrier to the tenant allowing safety measures to be carried out. A good relationship between the tenant and landlord is an important aspect of implementing safety measures and protecting older people.

*Stella has been privately renting since 1969 and deals with the landlord's agent. The property passed a safety inspection but Stella came under pressure to install free carbon monoxide meters. She was threatened with further action if she refused. She was then told that the property needed to be inspected for an Energy Performance Certificate (EPC) as a legal requirement. Stella then received a letter regarding an EPC. Because of the impersonal way she was treated she felt antagonistic to towards the agents and did not want to cooperate.*

*Ken has lived for many years in unfurnished rented accommodation. He believes the landlord wants to get him out because he's the only regulated tenant remaining. The landlord wants to enter his property to test the electrics. But Ken feels that this is designed to scare him, and believes that his tenancy status allows him to prevent this. He has been told that there must be electrical testing for insurance reason. Ken wants confirmation this is really the case.*

In the following case the landlord took action on an unsafe cooker but then replaced it with something equally hazardous.

*Alan rents a property privately through a landlord and his contact is through a managing agent. Last November Alan was told that his gas hob was unsafe because of poor ventilation to the outside of the property. He was left without cooking facilities for several months but then received a two ring electric hob. The hob is faulty with an electric flex which has to stretch over the front of the kitchen unit because the lead is not long enough. Alan is also worried that the windows may fall in because the frames are broken.*

## 8. Legal concerns

### 8.1. Legal remedies for disrepair

Although there are legal remedies to address disrepair it can be difficult to take action because of the insecure nature of most private rented accommodation. This means vulnerable older people may be afraid to challenge or confront landlords or managing agents through fear of eviction. There are legal powers to tackle 'retaliatory evictions' but these rely on the intervention of local authorities to serve an improvement notice, so they are a relatively weak defense.

Some of our case studies highlight an important problem regarding complaints about disrepair: local authority environmental health departments have a duty to enforce public health legislation and reduce health and safety hazards, yet we have seen several cases where older tenants' complaints were not pursued or took a long time to resolve. Despite the legal powers available to local authorities it seems that some simply do not have the capacity to enforce improvements, and this may be particularly detrimental to older tenants living in poor conditions.

A survey of 120 local authorities in England found that they received 51,916 complaints during 2013 about poor conditions including cold and damp. Yet housing officers inspected only 14,043 homes. They are more likely to send a letter or make a phone call than issue a legal notice. This in itself can be problematic because it gives the landlord warning of the complaint without offering the tenant protection from retaliatory eviction.<sup>17</sup>

### 8.2. Status of older tenants

There are further complications in the private rented sector because of the differences in legal status between older tenants who began renting before 15 January 1989 and those who rented on or after this date. Those renting before are more likely to be 'regulated' tenants and so have greater protection from eviction and can register to pay a lower 'fair rent'. Those after this date are likely to be assured shorthold tenants who are easier to evict and likely to have to pay a higher 'market rent'. The number of 'regulated' tenants is small but important in term of the experience of the 'oldest old' in the sector. Paradoxically, a regulated tenant's special status may also make them more vulnerable to harassment and poor living standards. Landlords may have little interest in maintaining a property let at such a low rent or may wish to gain vacant possession in order to re-let the property on less secure and more financially advantageous (to them) terms.

### 8.3. Protection from eviction?

Some tenants believe landlords do not carry out repairs and maintenance in order to put pressure on them to gain vacant possession.

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<sup>17</sup> Wall, T. (2016) Local councils guilty of 'softly, softly approach' to rogue landlords. Available at: <https://www.theguardian.com/money/2016/jan/18/local-councils-softly-softly-approach-rogue-landlords-poor-living-conditions>

*Helen's mum and dad have lived in private rented accommodation for 40 years. Their tenancy agreement means they have responsibility for maintaining the property. Helen's dad was a builder so they were able to keep the property maintained. However, sadly he died 18 months ago and Helen's mum, who is 82, is now unable to maintain the property. The owners want her to move out so that they can sell the property with vacant possession. They are being aggressive in their approach and have put Helen's mum under pressure.*

*Ben lives in private rented accommodation with an assured shorthold tenancy which is regularly renewed. The landlord is unhelpful with improvements and because he takes so long to resolve problems, Ben ends up paying for things himself. Ben is aware the landlord can serve notice if he wishes, so 'doesn't want to rock the boat'. He has terminal cancer and needs a warm house. He could get free loft insulation but the loft has to be cleaned before they will install it. The landlord has refused to do this. Again Ben is considering paying for this himself and wants advice on getting the best deal.*

The fear of eviction may mean that tenants like Ben have little choice but to pay for basic improvements themselves which, if they are on a low fixed income as many are, they can ill afford.

## 9. Rent increases and arrears

Age UK has received a number of cases of older tenants dealing with unexpected and unaffordable rent increases. The amount of Local Housing Allowance (LHA) payable to tenants is based on a calculation of the maximum rent payable and the number of rooms deemed appropriate. The maximum rent calculation is based on the 30<sup>th</sup> percentile of local private rents charged. This means that tenants receiving LHA have access to the bottom 30 per cent of the market in a particular rental area. Assured shorthold tenants must either make up the difference or find cheaper accommodation. Local authorities are able to make discretionary payments for vulnerable people – but this does not offer a long term solution.

*Irene is a private tenant who receives Pension Credit and Local Housing Allowance (LHA). Her rent is £850 a month which was covered by her LHA payment. However, her LHA has been reduced and she has to make up the shortfall. Fortunately Irene has received extra support from her local authority (as a discretionary payment) but they will only provide this for 2 months, after which she will have to pay the difference.*

*Ian moved into private rented accommodation over 4 years ago. His rent increased by £25 last June. The landlord handed the management of his flat to an estate agent who is now going to increase the rent by £100 a month. They told Ian he had 7 days to agree to their terms.*

### 9.1. Fair rents

Regulated tenants are able to have a 'fair rent' set by a Rent Officer. These tend to be much lower than the market rents paid by assured shorthold tenants, as the Rent Officer does not take scarcity of accommodation into account when making a decision. However, they can set a rent that is higher than what is currently being paid by the tenant or what is being proposed by the landlord.

Rent Officers are part of the Valuation Office Agency (VOA), an executive agency sponsored by HM Revenue & Customs. They have a range of statutory duties that cover the collection of rental data as well as setting fair rents and LHA rates<sup>18</sup>. There are limits to how much a registered rent can be increased by. However, it can rise above this limit if repairs or improvements are carried out. If a tenant disagrees with the Rent Officer they can appeal to a tribunal. Several of our cases concern rent increases after the landlord has implemented improvements to the property. Some older tenants believe basic improvements that should have previously been carried out are used just as an excuse to put up rents.

It is reasonable for a landlord to make improvements to protect their investment in their property and for this outlay to be reflected in the rent charges. Landlords may also need to make improvements to comply with health and safety regulations that protect the tenant. However, neglecting improvements to a property for long periods can result in problems for the tenant, including difficulties meeting ostensibly reasonable rent increases. These cases again illustrate the importance of good information and advice, especially if you have a precious regulated tenancy.

*Jenny and Pat have lived in their rented house for more than 40 years. After putting in central heating in the summer the landlord applied to the Fair Rents Office for an increase of £25 per week to their rent. They inspected the property and then increased the rent by £136. Jenny and Pat are pensioners and unable to pay this increase. There are appealing against the decision and need advice.*

*Eddie has lived in private rented accommodation for 39 years. During most of that time no work had been carried out on the property. The environmental health department visited and encouraged him to accept the renovation of the toilet and shower. Eddie agreed but the landlord then applied to the Rent Officer and his rent increased by 200 per cent. Eddie appealed but unsuccessfully, since the rent increased again by a further 74 per cent. The environmental health department originally told Eddie that legally the rent could only be increased by 20 per cent but subsequently that this no longer applied as the law had changed.*

*Jim's wife Rose is 85 years of age and has dementia and a heart condition. They were told they would have to leave their rented home of 45 years because they are in arrears. Rose is very upset and afraid something might happen to her if they are forced to move. The council is prepared to offer them a one bedroom flat. That means they would lose most of belongings and would have to give up their much loved pet. Jim is out of work and needs help to cope with the difficult and distressing situation he and Rosie are in.*

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<sup>18</sup> Further information available online at: <https://www.gov.uk/government/organisations/valuation-office-agency>

## 10. Advocacy

Many of the cases we have highlighted involve neighbours, carers, friends or family acting as advocates for older people, people who are full of goodwill but also uncertain about what they can do to help. Although some older tenants get valuable support from this form of advocacy we know that many others do not. Older tenants can find themselves isolated and cut off from help. This may make them feel they are in no position to challenge their landlord, even if they believe they are being treated unfairly. In addition, landlords of course may have their own difficulties to contend with:

*Chris's parents have lived in private rented accommodation for over five years. The landlord has not carried out repairs including a leaking roof. His parents were left without heating for two months and had to move in with Chris's sister. The landlord says that he cannot afford the repairs and is too unwell to carry them out. Chris wants to know whether he can compel the landlord to carry out repairs to the property. He is uncertain about his parent's security of tenure and they are worried that the landlord might give them notice to quit if they push for repairs.*

Where a neighbour helps out an older tenant it is possible that they can find their own tenancy under threat.

*Tim's neighbour was Philippa, an 83 year old women living in the ground floor flat of the building they both occupied. Philippa had several health problems and her flat was in a 'disgusting state'. The kitchen was particularly bad, which the landlord had known about for years. Tim pushed the landlord to do something about it. The kitchen was finally improved but not the rest of the flat. Then, Tim got a letter from the landlord's agent saying they were terminating his tenancy. They hinted that his involvement with seeking improvements to Philippa's flat may have been an issue. Tim is naturally worried for himself but also that Philippa and others are still living in poor conditions and that no action is being taken, for fear of retaliation.*

## 11. Conclusion

No one would want their elderly mother or father to have to face the kinds of problems sketched out in this report if they are private renters. A safe, secure and comfortable place to call home is important for all of us, at any age, but perhaps especially so when we are older, because we may be less well and resilient and we are likely to spend a lot more time at home than when we are younger, more mobile and out and about more, working and playing.

Some older private renters enjoy a very positive experience, due in large part to the commitment and decency of their landlord. But others are clearly not so fortunate. For the sake of those in this position today and for the sake of the projected increased numbers of older private renters in future, we need firm and effective reform of the law, policy and practice in the private rented sector. And if we can get things right for older private tenants, younger private tenants will surely benefit too.

## In our view these are the changes that are needed:

### 1. Action to enforce the law and support older tenants

- A number of our cases demonstrate that the powers currently available to local authorities to protect older vulnerable tenants are not being used. Where a property is in a bad state of disrepair and represents a health hazard, older tenants need swift and effective action to tackle the problem. However, **this requires properly resourced environmental health departments to carry out their duties and take proactive steps where necessary.**
- Older private tenants living on their own need to feel confident about approaching their local authority for assistance without fear of eviction. Despite positive progress to prevent 'retaliatory evictions', we need further steps to ensure older people and their relatives can **enforce their rights and improve their conditions without repercussions.**
- The Government needs to review how private renting can be made more suitable and relevant to older people. This should include looking at ways the sector could offer **flexible tenancies, improve accessibility and heating standards, and offer better protection from bad landlords.**

### 2. Ensuring privately rented properties are comfortable, warm and accessible

- The Government should encourage local authorities and private landlords to work in partnership so that properties can be adapted to the needs of older people. This should include initiatives to improve adaptations and fast track repairs and home safety measures. Older tenants and landlords should have better access to home improvement services and Disabled Facilities Grants (DFGs). Legal reform may be required to **ensure private tenants have better access to DFGs and other forms of assistance that support independent living.**

- The Government should review ways of encouraging institutional investors and housing associations to deliver higher quality private rented housing that is **suitable for older people in terms of flexible tenancies, accessibility, regular maintenance, location and cost.**

### **3. Informing older people about their housing options and improving the availability to them of good advice**

- Local authorities must meet their existing legal obligations to give priority to older tenants on the housing register if there is a social or medical need to move - with additional priority given to those with urgent medical conditions. There should be a strengthening of local authority duties to **support older tenants to find suitable alternative accommodation where their home has become unsuitable or a danger to their health and well-being.**
- The Government should work with charities and local authorities **to improve the delivery of information and advice to vulnerable older people** who are experiencing problems - with better access to legal aid. Special attention should also be given to regulated older tenants who are vulnerable to harassment and illegal eviction or who struggle to get repairs carried out.

## **12. Further information**

### **Age UK Factsheets**

Factsheet 63 Finding private rented accommodation July 2016. Available at:  
[http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS63\\_Finding\\_private\\_rented\\_accommodation\\_fcs.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS63_Finding_private_rented_accommodation_fcs.pdf?dtrk=true)

Factsheet 35 - Tenancy rights - rent June 2016. Available at:  
[http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS35\\_Tenancy\\_rights\\_rent\\_fcs.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS35_Tenancy_rights_rent_fcs.pdf?dtrk=true)

Factsheet 67 Tenancy rights - repairs June 2016. Available at:  
[http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS67\\_Tenancy\\_rights\\_repairs\\_fcs.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS67_Tenancy_rights_repairs_fcs.pdf?dtrk=true)

Factsheet 68 Tenancy rights – security of tenure June 2016. Available at:  
[http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS68\\_Tenancy\\_rights\\_security\\_of\\_tenure\\_fcs.pdf?dtrk=true](http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS68_Tenancy_rights_security_of_tenure_fcs.pdf?dtrk=true)