

Written evidence submitted by ACORN

Introduction

ACORN is a community and renters union operating across England and Wales. We support tenants to resolve housing issues and campaign for local and national policy change to improve the situation for renters.

The following evidence has been compiled using a recent survey of our members' experiences which we commissioned to inform this report. We received 503 responses and see the results as a snapshot of the situation for renters more widely across the country. The survey ran from the 5th to 18th January and asked respondents

- 1) whether they had experienced problems,
- 2) whether they had reported those problems to the relevant enforcement body and;
- 3) what their experience had been if they had reported it.

This report has also had input from our professional staff who work with tenants day in day out and understand where the law is helping tenants and where loopholes or problems are getting in the way of it being effective.

We have structured our evidence under the 3 questions posed by the committee in the call for evidence. We have included quotes from our member survey to exemplify statistics.

The efficacy of regulatory bodies at a glance:

Here are some headline statistics about current enforcement bodies compiled from our survey results:

- Local council: 22% of respondents who had reported a hazard in their home to the local council said that the council helped them, 23% who went to the council for help with being evicted said they council helped them, 12% of people who reported harassment or threatening behaviour to the council said that the council helped them
- Deposit protection schemes: 64% of respondents who had used the scheme to resolve a dispute said that the scheme had helped them
- Property Ombudsman: 50% of respondents did not know that they could report a letting agency to the Property Ombudsman
- The police: Out of the 249 respondents who said they have experienced harassment or threatening behaviour from a landlord or agent (include multiple unannounced visits) only 13 had reported this to the police. 5 said the police helped, 8 were told by the police

that there was nothing they could do to help.

1. Does the DLUHC have a clear regulatory strategy to meet its aims, based on a good understanding of problems for private renters;

The results of our survey, along with our experience working across the country supporting tenants, indicate three big issues with the regulatory strategy.

First of all, how a breach in landlord duties is dealt with is a postcode lottery. 2/3rds of councils haven't prosecuted a single landlord in the last 3 years.

"I have had cause to complain to three local authorities over the last five years - Bristol CC, Gateshead BC, and Manchester CC. Gateshead were the only ones to give a positive response and work with my landlord to resolve a damp and pest issue (I was living in a selective licensing area at the time). Bristol had ignored correspondence re a pest problem, and Manchester just referred me to my letting agent after I'd called out the gas safety guys for a leaking oven fitting"

Secondly, there is not adequate regulation in place to prevent landlords from issuing retaliatory eviction notices in the wake of a complaint, which is deterring tenants from complaining to the relevant authorities in the first place and a barrier to regulation being enforced. Currently if a council issues an improvement notice then tenants are protected from section 21 evictions in the following 6 months, however, there are other courses of action that councils will take such as issuing a Hazard Awareness Notice which will notify the landlord of a complaint but not give the tenant any legal protection against retaliatory eviction.

"When I repeatedly complained to the letting company about a leak in the roof which caused damp and at times water literally running down my bedroom wall, they 'suggested' that I could always just move out if it was such an issue... They served me a Section 21 not long afterwards. They went on to sell the house and never carried out any repairs. Surveyors of new buyers all identified huge issues with damp and it took them a long time to sell the property as it was that bad. I contacted the council when I received the section 21 and they said there was nothing they could do, told me to find a new private landlord and sent me a patronising leaflet on how to conduct myself at house viewings. It was appalling."

50% of people surveyed said they had chosen not to complain about a problem because they were worried about being evicted as a result.

"Environmental health got involved but then we were given a section 21, revenge eviction."

"We were scared of being evicted so didn't report."

When responding to the question about whether they had reported intimidation and harassment from their landlord to the police a respondent said. *"There is no way the police would help with this and we would get evicted and become homeless if we tried."*

"I would worry about the repercussions of reporting to the local authority such as tenancy being cancelled, hostile response from landlord etc"

Thirdly, local authorities are the bodies responsible for enforcing much of the regulation around private renting standards, but don't have the resources to do this thoroughly. Spending on housing by local authorities nearly halved between 2009 and 2019 (Emma Rose, Unchecked 2020) but the number of households in the private rented sector in the UK increased from 2.8 million in 2007 to 4.5 million in 2017. ("UK private rented sector: 2018" 2019)

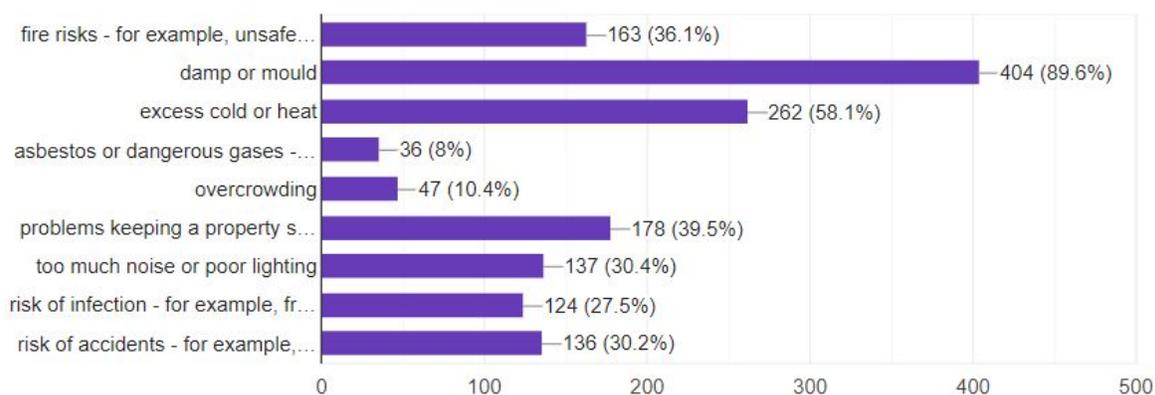
"I work for the local authority, and I've spent a lot of time working in the Homelessness Prevention service. I've seen all the

scenarios outlined above and also seen what the HP teams are able to do/willing to do to prevent homelessness, which is probably why I'm very careful (maybe excessively careful) about not antagonising my landlord, so that I'm never in that situation"

2. Does the regulatory regime, including oversight by DLUHC, incentivise and support landlords to treat tenants fairly and comply with regulations;

The results of our survey found that:

- 90.7% of respondents have lived with hazards in the last 5 years - see breakdown below:



- 20.5% had been issued illegal evictions; either given no legal paperwork at all, forced out through intimidation, or were given invalid paperwork

"I was evicted by my landlord for pursuing necessary repair work to stop a damp issue that we learned had existed continuously before our tenancy and painted over for viewings. I did not know my rights regarding the landlord's correspondence requesting that we leave. It was very stressful and expensive finding a new place to live, including having to store my things."

- 17.8% had been threatened with eviction after making a complaint to their landlord or agent.

"When my flat flooded my landlord suggested that I should stop complaining about the long delays in fixing it because the rent was low for the area and she could easily raise it"

"My letting agent has tried to bully me into leaving, telling me the landlord will sell my home from underneath me instead of pay for repairs to stop my bathroom pouring with rainwater, and telling me I should leave."

- 22.5% had deposits that were not placed in protection schemes

"We had to take our landlord to court because he was just ignoring our requests to get our deposit back. We knew it wasn't in a scheme, and had tried to get this addressed during the tenancy so had emails proving that he knew it should be but was ignoring our requests to do it. We had to pay court fees of over £300 to even get it heard, and although the landlord has to pay these if you win the case that is a lot of money to have to pay especially when the case isn't necessarily quick. The landlord ignored the court summons so it took multiple attempts and us being very determined to get the case to actually happen. Despite all this, when we did get the case heard and the landlord was told to pay our deposit more than a year after we moved out, he received no fine."

"I don't see the deposit as a 'deposit' anymore, i see it as spent money, if i get anything back at the end of tenancy its a bonus"

- 76.2% have experienced unannounced visits

"In previous rented accommodation I was at home in bed with a sickness bug and the letting agent let themselves in with 2 people to view our flat without any prior notice. Just turned up. I complained to the agency."

"Landlord drops in and invites other people- several times in several houses we found them with fandom acquaintances using our back garden, with our front door left unlocked."

"When I was 19 I (female) moved into a shared house, I was the first to move in and lived there alone for a week. The landlords "agent" let himself into the house the first morning I was there and came into my room while I was in bed. He also once came round at 8pm on a Saturday night to shout at us about an unpaid bill. In most rental properties I've lived in, landlords have turned up without notice on at least one occasion."

"I have consistently received unannounced (or significantly less than 24 hrs notice) visits in almost all my tenancies over the past 5 years,"

- 50% have experienced harassment or felt intimidated by their landlords/agents

"Reported harassment & threat of revenge eviction to the police and council. Both of whom claimed it was civil / criminal.. Neither did anything. My solicitor contacted them both spelling out their powers & they still did nothing."

"As before, I would never dare complain because I need a home for my children. I've been sexually harassed and intimidated by workers contracted by the letting agency on behalf of the landlord and was too afraid to raise any sort of complaint."

"I wanted to report the sexual harassment to the police but was too frightened because I didn't want to jeopardise my tenancy."

These figures indicate that a sizable minority of landlords are not taking regulation seriously.

3. To what extent are consumers empowered to enforce their rights when things go wrong? Are regulatory interventions targeted at those in most need?

Again our evidence found that 50% of tenants surveyed had not complained about a problem because they were worried about retaliatory eviction.

Hundreds of respondents did not know that they were able to escalate complaints.

Many respondents said that they didn't see the point in going to the relevant regulatory bodies for the following reasons:

- They don't have faith that they would do anything

"Very light touch response from the LA. They're only interested in dealing with the extreme cases and not the day to day disrepair that's almost universal in renting"

"I haven't tried because I didn't believe the situation would be resolved, based on the experiences of friends and family."

- It takes too long

"Not reported anything myself, however I have supported many individuals to report to LAs in work capacity and process is slow, usually takes several inspections to lead to any action and can be made even slower by landlords requesting private inspections through third parties"

- They were worried about being evicted

"Similar with reporting hazards, I haven't reported unannounced visits to the council as I'm afraid of retaliation from my landlord/letting agent or them deciding to evict me for being "difficult"'"

"I haven't reported any of these issues to my local authority before as I've heard other renters in my city have poor experiences with them, and I'm afraid of revenge eviction if they push my landlord to do repairs that they don't want to pay for"

- They were worried that it would jeopardize them getting a reference for any future rental properties

"Although I have reported this to my landlord they have not taken swift action and I do not wish to not be able to get a good reference for my next rented accommodation by upsetting them by reporting them to authorities."

- They have moved so many times already that it is easier to look for another place than go through the process with the council

"I didn't realise this was an option. It sounds like it would be lengthy though, and I have moved house 9 times in 9 years, so it doesn't seem worthwhile when I typically move around a lot"

- They felt disrespected by the council

"The council was very oppressive. Had to stop going alone to the council due to emotions. Wasn't listened to or supported. My children's needs were not ever taken into consideration. The list goes on"

Recommendations

ACORN believes there needs to be a more uniform approach to enforcement, and proper funding for councils to man the teams to deliver this. We believe this can be self funding if proper fines and enforcement orders are issued.

ACORN believes that it is crucial to scrap no fault evictions as the threat of homelessness is preventing tenants from pursuing resolutions and justice.

ACORN believes tenants are not generally aware of their rights or how to escalate complaints and that a public information campaign would help with this.

References

Emma Rose, Unchecked. 2020. "The UK's Enforcement Gap 2020." Unchecked UK. <https://www.unchecked.uk/wp-content/uploads/2020/11/The-UKs-Enforcement-Gap-2020.pdf>.

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January 2022