

The Rent Trap

The Rent Trap

How We Fell Into It and
How We Get Out of It

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CHAPTER ONE

The Rent Trap

Rosie Walker

Corinne fishes in a cardboard box for some cups, boiling water in a pan on the hob because she hasn't yet unpacked her kettle. 'It's annoying that the cooker is different every time you move,' she says, fiddling with the controls. She's been in her new south London flat for a week, and likes it. There's a huge cheese plant in the corner of the living room, and a decked balcony that she's looking forward to sunbathing on.

She had been dreading telling her son that they were moving again. He celebrated his seventh birthday in the last few days at the old flat, and – to Corinne's surprise – did not object to packing up his presents as soon as he had opened them. This is their fourth home in five years. 'In the end, he took it well,' says Corinne. 'I was surprised at how mature he was about it.'

Corinne (not her real name) is 33, with a well-paid job in policy for a campaigning charity. She has a good university degree, specialist skills, and is articulate and smart. But buying a home of any kind is out of the question, for good. Hers is no horror story: there have been no cockroaches, no dodgy wiring fixed with Sellotape by letting agents, no beds in sheds, no landlords with baseball bats. She is not on the run from violence or debt or the courts. She is simply a private renter in 2015, and her story is an everyday one.

Her son could have found out about the house move by accident, when a woman from a well-known high street letting agent tried to let herself into their home without permission, to take photographs.

Corinne had been paying £1,150 per month, excluding bills, for a two-bedroom flat in south London near to her job – an amount that used up most of her salary. ‘It was nice; we stayed for two years’, Corinne says, in a way that makes two years sound like a lifetime. After two years, the landlord demanded an extra £100 a month, though no improvements had been made to the flat. Corinne could not afford it, and negotiated the increase down to an extra £25 per month. Her landlord owns 90 flats in London and Kent.

Shortly afterwards, the letting agent who for legal reasons we shall call Denfields (not its real name) telephoned to ask if they could come and take photos. Corinne contacted her own letting agent to ask what was going on. ‘They said “haven’t you got the letter? Your landlord’s putting the rent up to £1,300, effective from next month.” But I hadn’t been told anything’, says Corinne.

Corinne went away for a week, trying to ignore daily emails and phone calls from Denfields, saying they wanted to go to her flat and take photos. When she returned, she called them and asked what they wanted to take photos for. “I live here!” I said. “I haven’t said I’m moving out!” She called her own letting agent who said they didn’t know. ‘Then, within an hour, they’d emailed me a Section 21, and told me that a rent increase of £125 per month applied to the two-month notice period.’

Corinne contacted Renters’ Rights London, who explained that rent cannot legally be increased in this way. But Section 21, the part of the 1988 Housing Act that allows a landlord to evict with two months’ notice and without having to give

a reason, cannot, in most cases, be legally challenged. For Corinne, it was devastating. ‘The landlord had total disregard for his tenants. And to try to make me pay an extra £250 at the end, when he was the one making me move out and leave the community my son goes to school in – I was furious.’

Denfields kept up the bombardment of calls, demanding to be let in to take photos, but Corinne was busy at work. They even emailed to accuse her of changing the locks – a legal right that tenants have, but that Corinne had not used. It was then that she realised they had been trying to get in without her permission. Tenants must give explicit permission for anyone – even the landlord or agent – to enter their home, even if they have keys, but the agents from Denfields seemed unaware of this law and emailed Corinne’s landlord to say that Corinne was ‘not co-operating’.

Corinne’s son had had a difficult term at school, but had eventually settled. She didn’t want to tell him the news until she had secured a new home, so she could say for certain whether or not he would have to move schools, and she knew that agents coming to take photos of his home without explanation would unsettle him. ‘I didn’t want him lying in bed at night worrying about all the possibilities, and where we might end up’, she says. Besides, she didn’t want her ‘whole life on show’ online.

When she explained this to her landlord, adding that she had no legal obligation to pay any extra rent without a new tenancy agreement, he replied that if she ‘co-operated’, she wouldn’t have to pay the £250. ‘I felt that was like saying “You’ve got less money than me, so I’m sure you’ve got lower levels of integrity”’, Corinne says. ‘As if I were only pretending to care, and that it could easily be remedied with £250 – which was mine anyway.’

Knowing that Denfields had tried to get in without her permission changed everything. 'After that I wanted to get out all the sooner, because I'd stopped feeling comfortable there. I started double locking the door, putting the chain on when I was at home. It's not that I thought my life was threatened or anything, it's just that I didn't feel safe in my home in the way that I used to. I didn't know who else the agent might have given keys to.'

Corinne grabbed every spare moment she could to look for a new home without her son noticing. After getting advice, she emailed the tenancy relations department at Southwark Council, asking them to carry out their legal duty to protect her from harassment – even if that just meant emailing the landlord and agent to explain the law. 'The council guy backed up what Shelter and Renters' Rights London were saying, but when I asked him to put my rights in writing he seemed annoyed because he didn't want to have to type an email. It took him four working days to reply, which is a long time when you're dealing with an urgent situation', Corinne says.

Nevertheless, Southwark Council's tenancy relations officer eventually did his job, and emailed the landlord and both sets of agents to explain the law: that Corinne had no obligation to pay increased rent for the final two months as nothing had been agreed, and that no one could enter Corinne's home without her permission. Simply giving twenty-four hours notice is not sufficient, regardless of what any tenancy agreement says, since a contract cannot trump the law. He warned the landlord and Denfields to seek legal advice before entering. Corinne shows me all the emails, including one from the landlord threatening to 'implement' the unauthorised rent increase for the final two months because she was not being 'co-operative'.

Denfields ignored the legal advice from Southwark Council and responded by emailing Corinne, simply stating that she would be coming to let herself into her flat the following week. Southwark Council's tenancy relations officer told Corinne to instruct a solicitor to take out an injunction against Denfields and recommended a local solicitor, who said they would charge £2,000 plus VAT – which Corinne could not afford to pay. All she could do was email Denfields again, reiterating that she did not give her consent for them to enter her home.

Until this point, it had appeared as if the Denfields employee had only misunderstood the law. But when she emailed Corinne's landlord, it became clear that she understood it perfectly: she just didn't respect it. Corinne shows me the email chain, which her current agent had accidentally copied her into in the flurry. Minutes after Corinne reiterated that she did not give her consent for anyone to enter her home, the Denfields employee wrote to Corinne's landlord to say that Corinne was 'not playing ball' and to warn him that Corinne had dared to speak to a public authority.

'I feel like she is going to do everything in her power to prevent us coming over', the Denfields employee wrote. 'I feel she is going to escalate this if we enter the property without her consent. She really isn't playing ball. By law I can't go over if she says I am not allowed. She has copied in the council too.'

At the last minute, Corinne's frantic search for a new home – carried out at night while her son was asleep, or in lunch breaks at work – paid off, and she found a flat she could move into within a week, extending her bank overdraft by £3,500 to cover the first month's rent and the deposit. After their barrage of threatening emails, Denfields and the landlord backed down

and made no further attempts to enter the flat while Corinne was living in it.¹

Sitting in the new flat, surrounded by half-unpacked boxes showing colourful rugs and children's toys, I ask Corinne – whose work involves speaking to women and girls about sexual consent – whether she sees any parallels between that and the way the landlord and his agents had tried to manipulate her into questioning her rights. 'I'd not made the connection before, but yes,' she says: 'They *assumed* my agreement; that's not consent. They make you feel as if you're some sort of disagreeable harpy: 'you said you'd do this, you're not doing this, it's my property'. It's that trick of turning it around and making themselves the victim of something, when actually you're the one paying them all this money. The way they turn it on its head – that's what makes people not want to speak out. Because you worry about how you'll be perceived by other people. They made an agreement that the flat would be mine, for an agreed fee. But they don't get that they can't have it both ways: you can't take practically the entirety of someone's pay, every month, and then still want the flat to be yours.'

At 33, Corinne has never missed a rent payment or not paid a bill. She has never caused damage – accidental or deliberate – to any home. Yet the simple act of researching her legal rights and contacting an official – in this case, a tenancy relations officer at her local council, whose job is to inform the borough's private landlords about the law – marked her out to the landlord and to Denfields as a 'problem' tenant. Though she had done nothing wrong, Corinne feared her new landlord would ask her old one for a reference, and, since such references are unregulated and can be based purely on how much a landlord likes or dislikes someone, that simply

standing up to bullying could have made her homeless. In the event, they did not ask.

As renting stories go, Corinne's is average, but Corinne is not. Most private renters do not get as far as researching their legal rights, assuming, instead, that what they are told by their landlord or high street letting agent must be true. Others are too consumed coping with the demands of life – work, childcare, relationships, health – to find the time or energy to put up a fight. Some are so dismayed to discover how few enforceable rights private renters actually have that they just shrug and move on. After all, if you can be 'asked to leave' your home for no reason, and if rent can be set at any amount during times of housing shortage, what use is knowing what to do about a broken shower?

Corinne's new landlord is a housing association. Once charitable trusts providing only social housing, housing associations have recently 'diversified', seeing the financial gain there is to be made from the private rental market, which now houses 11 million people in the UK. Unlike a social tenancy, which would offer lifelong or long-term tenure, this contract is a twelve-month assured shorthold tenancy (the standard private tenancy), but Corinne is optimistic. She hopes that despite her limited legal status as a private renter, a housing association will be less likely to sell up, to issue a no-fault eviction or to increase the rent.

'If I can just get my son into that school round the corner then at least we can live in the same home until secondary school', she says, going quiet at the thought of the next four years. 'It's not quite what I can afford, but I'd rather pay this and feel a bit more secure than pay a bit less and end up having to move again. Moving costs so much money.' She adds that

when she gets her deposit back from her last place, she can pay off the money she borrowed for the current one, and then she'll 'chip away' at the rest by budgeting carefully and selling her possessions on eBay. Like most of London's 2.5 million private renters, she needs to live where the work is.

The most recent English Housing Survey, an annual government survey of 13,300 households, found two thirds of private renters had been living in their home for less than three years, and a third had been resident for less than a year.² With homeownership out of reach for anyone on an ordinary salary, and social housing accessible only through waiting lists that are decades long, a quarter of all families with dependent children now live in the private rented sector. A 2014 Shelter survey asked 976 private renters with dependent children, all of whom had moved home in the last five years, about their experience. Fourteen per cent had had to change their child's school, and 13 per cent said the house move had been upsetting or stressful for the child.³

This is not a problem for private renters in most developed countries, where the right to stay – if you have done nothing wrong – is either indefinite (for example, in Germany, the Netherlands, Denmark, Sweden and Switzerland) or between three and five years (in Ireland, Spain, France, Austria and Norway). In a 2011 international comparison from LSE, which compared private rented sectors in 16 developed countries, only Australia equalled the UK in having a legal minimum of six months. Even in the US, the minimum is one year.⁴ Housing campaign groups including Shelter have long argued that longer tenancies are the easiest way to give renters enforceable rights, reduce neighbourhood 'churn' and protect families and relationships, but the landlord lobby has fiercely

resisted, knowing that this would mean landlords losing a degree of power over their tenants.

In defence of the short-term tenancy, landlords argue that many tenancies happen to run on for longer than the legal minimum, quoting research from the National Landlords Association (NLA) that finds the average tenancy lasts for 2.3 years. They hope, perhaps, that policy makers will not notice that the legal right to end another person's tenancy remains in place whether it is used or not. What someone *happens* to receive and what someone is *guaranteed* to receive are different things: most dog owners are not cruel to their dogs, but we still have laws prohibiting dog owners from cruelty. The Residential Landlords Association (RLA), in a recent briefing on tenancy lengths, proposed its own solution: after the standard six or twelve month tenancy ends, the tenant could begin another six or twelve month one, if the landlord chooses to allow it.⁵ They fail to point out the obvious: that this is simply a description of what we already have. Who they hope will be fooled by this is unclear. The landlord lobby is explored in more detail in Chapter 7.

But muddying the waters sometimes works. When Ed Miliband put a three-year minimum tenancy into Labour's 2015 manifesto (the Greens chose five years, while the Lib Dems' 'family friendly tenancies' failed to specify a length of tenure), landlords, wary of the growing renter vote, warned renters of being 'locked in' to three-year commitments. In fact, the policy was proposing nothing of the sort: it simply protected renters from no-fault eviction for three years, allowing them to leave, with notice, if they wanted to – in much the same way as you might cancel a subscription to a service you no longer need. Despite being a politician's fudge (Labour's proposal

included a preliminary six-month ‘trial’ period, which could have allowed landlords to end the tenancy there without justification), it was described by the landlord lobby as ‘unequal and unfair’. But it was, for the first time in mainstream politics since renting was deregulated in 1988, an acknowledgement that losing a home has a bigger impact on a renter’s life than losing a source of income has on a landlord. Few people would recognise the relationship between landlord and tenant as an equal marriage.

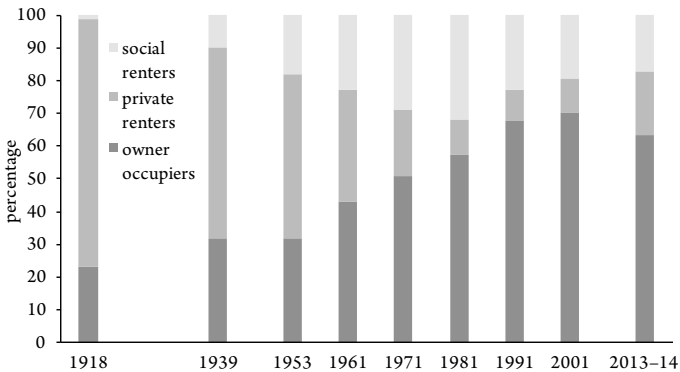


Figure 1 Trends in Tenure, 1980 to 2013–14

Sources: 1981 to 1991: DOE Labour Force Survey Housing; 1992 to 2008: ONS Labour Force Survey; 2008–9 onwards: English Housing Survey, full household example

The majority – 63 per cent – of households in the UK live in homes that they own, either outright or with a mortgage. But the picture is changing rapidly. Private renters now represent 19 per cent of households, while 17 per cent are social renters. Figure 1 shows the subtle but important shifts that occurred in 2012. Of the four groups, private renters have the lowest legal status. When a private renter loses their home, it is not