



Poverty, evictions and forced moves

by Anna Clarke, Charlotte Hamilton, Michael Jones and Kathryn Muir,

This report explores the rapid increase in evictions over the last 12 years, and the impact these have had on the lives of tenants who lose their homes. The report was updated on 3 August 2017 to use updated and backdated data from the Ministry of Justice Statistics bulletin 'Mortgage and Landlords Possession Statistics in England and Wales'.

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The loss of a home can be a traumatic and challenging experience for anyone, and for tenants with limited financial resources this can add to other difficulties that they experience. Over 40,000 tenants were evicted from homes by landlords in 2015, and many more felt forced to move from their homes due to problems of affordability, the condition of the property, or disputes with their landlord.

The report shows:

- the rented sector has grown in the past 12 years by a third, and the number of tenants being evicted from their homes has grown by a fifth: 7,200 more tenants lost their homes in 2015 than in 2003;
- the number of tenants evicted by private landlords exceeded the number evicted by social landlords for the first time in 2014;
- over four-fifths (83%) of the increase in repossessions in recent years is represented by the increasing use of 'no fault' evictions, using Section 21, but the use of Section 21 is highly concentrated geographically;
- four out of every five repossessions using S21 are in London, the East and the South East, and nearly two-thirds are in London alone, although London only has one-fifth of the private rented housing stock; even within London, repossessions using S21 are highly concentrated, with a third occurring in only five boroughs;
- the experience of forced moves and evictions were extremely stressful for low-income households as they struggled to find alternative properties because they are often seen as undesirable by private landlords and are often unable to access social housing;
- clear evidence that the increasing eviction rates are linked to the overall growth of the private rented sector and to cuts to Local Housing Allowances; while the greatest impact is being felt in London, similar issues were also found in other high-pressure markets.

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Contents

	Executive summary	1
1	Introduction	5
	About the project	5
	Methods	5
	The profile of those interviewed	5
	Case study areas	7
	Fieldwork challenges	8
2	Policy context and trends in evictions	9
	Context	9
	A UK-wide perspective	9
	Trends in evictions (England and Wales)	11
	What are the causes of forced moves and evictions?	17
	Why is the number of evictions increasing in England?	19
3	Evidence from the interviews: the reasons for forced moves and evictions	25
	Case study areas	26
	No fault evictions	27
	Evictions for rent arrears	29
	Evictions for breaches of tenancy or ASB	31
	Evictions from temporary accommodation	32
	What can help prevent people losing their home?	34
4	Evidence from the interviews: The experiences of evictions and forced moves for people in or at risk of poverty	37
	Eviction proceedings	37
	Finding a new home	37
	Barriers to permanent social housing	37
	Outcomes for tenants unable to secure permanent housing	40
	The impact of eviction or forced move	42
	What helps tenants secure permanent accommodation?	44
5	Conclusions and recommendations	46
	Conclusions	46
	Policy recommendations	46

Notes	49
References	50
Acknowledgements	51
About the authors	52

Executive summary

This project explored quantitative data on evictions and forced moves, coupled with an extensive interview programme of 145 in-depth interviews with tenants experiencing forced moves and evictions. The aim was to understand the factors which prompt evictions and forced moves, the tenants who are affected, how these have changed over time, and what steps tenants might take to avoid such events. The focus is primarily on England. Interviewees were recruited via Shelter housing offices in Bournemouth, Bristol, Colchester, Hackney (covering the whole of London), Manchester, and Slough: areas selected because they had high and/or increasing numbers of evictions. The help of Shelter in enabling this project is gratefully acknowledged.

Context and trends in evictions

Social housing tenants can usually only be evicted for rent arrears or a breach of tenancy, such as anti-social behaviour (ASB). Most private rented tenants have assured shorthold tenancies (ASTs) which can also be ended after their initial fixed term without the landlord having to give a reason ('no fault' evictions, often known as Section 21 evictions, under Section 21 of the Housing Act 1988).

There has been increasing concern over the rising incidence of evictions, leading to new measures to tackle the issue, although these vary substantially across the UK. Significantly, there are radical new reforms due to come into effect in Scotland in 2017 which will end landlords' right to end a tenancy through 'no fault' evictions unless they need to sell or live in their property. The Homelessness Reduction Act, which received Royal Assent in April, focuses on the duties of local authorities in preventing homelessness and makes few changes to the rights of tenants or landlords.

In the past 12 years, the rented sector as a whole, both private and social, has grown by a third, and the number of tenants across both sectors evicted from their homes has grown by a fifth: 7,200 more tenants lost their homes in 2015 than in 2003.

Over this period, social housing landlords evicted more tenants than private sector landlords in every year until 2014. However, the rate of repossession per thousand properties in the social housing sector has been in decline since 2003, while the rate per thousand in the private rented sector has been increasing, so the rate of repossessions in the two sectors is now similar, at 4.7 tenants per thousand per year.

Over four-fifths (83%) of the increase in repossessions in recent years is represented by the increasing use of 'no fault' evictions, using Section 21, but the use of Section 21 is highly concentrated geographically.

Four out of every five (81%) of all repossessions using Section 21 are in London, the East and the South East, and nearly two-thirds (62%) are in London alone, although London only has one-fifth (21%) of the private rented housing stock. Even within London, repossessions using Section 21 are highly concentrated, with a third occurring in only five boroughs.

What are the causes of forced moves and evictions?

This research sought to understand both the structural factors that affect eviction rates, and individual factors that make some people vulnerable. National data from the English Housing Survey suggests that just under a quarter of current tenants reported that their last move from private rented properties in England was forced in some way, and was not because they wanted to move. Most of these were cases where the tenant believed the landlord wanted to sell or use the property themselves, with almost all the

remainder classed as 'some other reason' which could include a breach of tenancy as well as situations where the tenant did not know why they were asked to leave. Only very small numbers attributed the move to non-payment of rent.

Across England as a whole the main driver of the growth in evictions is the growth of the private rented sector (PRS). This still means a large growth in absolute terms in the numbers of people experience evictions, putting pressure on local authority homelessness services. Rates of repossessions of owner-occupied homes are very much lower, and this is the sector that has shrunk as the PRS has grown. There has been a sharp rise in Section 21 evictions in London, which is not fully explained by the growth of the PRS. This has occurred in some boroughs in particular.

The cumulative impact of freezing Local Housing Allowance (LHA) or permitting only below-inflation increases has been that it now lags significantly below the 30th percentile of market rents to which it is in principle linked. Outside London, average monthly shortfalls range from £22 to £70 per month, whereas in central London average shortfalls range from £124 to £1,036 per month. As more people become homeless, they approach overstretched local authorities for help. Yet local authorities cannot find affordable accommodation locally. This results in households being offered housing long distances away, or the use of one-off payments to private landlords in return for offering a two-year tenancy at below-market rates. This may then result in the tenancy being terminated at the end of the two years unless further incentives are offered.

The benefit cap further reduces the ability of out-of-work households to afford rents, while the rise in Airbnb has opened up opportunities for landlords, particularly in London, to let to visitors rather than letting to low-income households.

Evidence from the interviews – the reasons for forced moves and evictions

Just under half of the people interviewed were – or had been – evicted in the form of 'no fault' evictions. A further quarter were evictions resulting from rent arrears, around a fifth were 'forced moves' and less than one in ten for breach of tenancies.

Tenants suffering 'no fault' evictions were often aware of the underlying reasons for this, with the most common being that the landlord wanted to raise the rent, sell or live in the property, 'revenge' evictions and rent arrears. Some tenants were aware that they had been paying rents that were well below market rates. A few said they had invested their own money in their home, which they felt had contributed to its now increased rentable value.

Tenants who reported a revenge eviction were generally unaware of the legal protection now offered from revenge evictions and had not taken the necessary steps to protect themselves: communication with landlords was often verbal (rather than in writing, as required to trigger the protection) and most tenants had not complained to the local authority, or not until after they had been served an eviction notice.

Rent arrears were most often caused by problems with housing benefit (including sanctions to JSA/ESA) and changes of circumstances. Administrative problems with claiming benefits, including delays in payments, were the major reason for some evictions. Some tenants had difficulties producing the paperwork required or said that officials had lost their paperwork.

Changing circumstances included jobs being lost, and tenants in insecure jobs whose incomes had fallen as a result of children being sick or reduced hours. Some tenants had failed to apply for benefits when

they first lost a job, and rent arrears built up quite quickly. A smaller number had lost accommodation which had never been affordable to them, as the shortfall between their rent and housing benefit eligibility was more than they could ever pay from their benefits. Poor money management was an issue for some tenants, often related to mental health problems and difficulties in understanding communication from landlords or the Department for Work and Pensions (DWP).

Evictions for breaches of tenancy included tenants who said they were being evicted for playing loud music, drinking, taking drugs and having parties. Almost all said that these allegations were untrue and often arose from disputes with neighbours.

Forced moves covers a vast 'grey area' of behaviours that result in the tenant having no option of remaining in the property, but where the tenant leaves rather than being formally evicted. The number of forced moves was low, because most tenants were unable to find anywhere else to live so were remaining in unsuitable housing often with significant disrepair. Those who had been forced to move often reported problems of landlord intimidation, disputes with neighbours or properties in very poor condition. Examples of landlord intimidation included telling tenants to leave by text, entering the tenant's home frequently without notice, unwanted sexual advances and changing the locks while the tenant was out.

Some evictions and forced moves had been prevented by successful negotiation with a landlord, often with support from Shelter or another agency, and one tenant reported that discretionary housing payments had helped her stay in her home.

Evidence from the interviews: The experiences of evictions and forced moves for people in or at risk of poverty

Some tenants reported difficulties around the process of being issued with a notice – saying that the notice was not delivered correctly, or that they did not understand it. Most of the interviewees had experienced extreme difficulties with finding a new home. The biggest issue was a lack of landlords prepared to let to tenants receiving housing benefit, and the lack of affordable accommodation within LHA limits. Tenants also struggled to pay agency fees and deposits, which generally had to be paid before the return of their deposit on their current home.

It was clear that the housing market overall is not working for low-income groups in any of the case study areas. Landlords can be choosy about who they let to and tenants on low incomes are not who they choose. Social housing was not available to most of the interviewees because they were ineligible, deemed intentionally homeless or not in a social group considered to be in priority need. Some had been offered housing a long way away and were instead holding out for something nearer to their current jobs, children's schools and family and friends.

Of those interviewed, 43 had already been forced to move or evicted and had not yet found permanent housing. Eighteen of these tenants were currently homeless, including ten who were street homeless. A further 24 tenants were in temporary accommodation organised by local authorities. The insecurity and lack of sufficient space was extremely stressful and affected both mental and physical health. Mental health deterioration made engaging with support difficult. Some tenants with no previous experience of mental health problems developed them in response to the stress of evictions. Interviewees also reported stresses on their children. Parents found it hard to cope and some lost custody of children.

Some tenants were helped into private rented housing by their local authority, especially in Bournemouth where a rent deposit scheme was running successfully. Tenants were also appreciative of local authorities identifying which landlords would accept people receiving housing benefit when they supplied lists of

local landlords.

Conclusion

There is clear evidence that the rising rates of evictions are linked to the overall growth of the PRS and to cuts to LHA, with the greatest impact being felt in London. The problem is not, however, unique to London: tenants in all six areas where interviews were held experienced similar issues in affording their rent, or being evicted under Section 21. LHA rates were insufficient to enable low-income households to find alternative accommodation if they lost their home, causing homelessness. These fundamental failings in welfare support will, unfortunately, not be removed by the Homelessness Reduction Act. Tenants with mental health difficulties are particularly vulnerable, but simply being in poverty is sufficient to put households at risk of eviction, with very little hope of finding a new home. The experience of a forced move or eviction is extremely stressful for low-income households. The housing market does not function well at the lower end, and there is insufficient social housing to house those who desperately need it.

1 Introduction

About the project

The project explored data on evictions and forced moves, coupled with an extensive in-depth interview programme with 145 tenants experiencing forced moves and evictions. The aim was to understand the causes of landlord evictions and forced moves, where tenants feel compelled to move home for reasons such as affordability, security or to move away from particular locations.

The research sought to identify the tenants who are affected, how these have changed over time, and what steps tenants might take to avoid such events. The project also sought to understand the experience of evictions and forced moves for tenants, and their families, who are in or at risk of poverty. This includes the extent of protection or help for tenants at risk, the locations and homes where people try to move to if they are forced to move, and the costs to tenants, both financial and non-financial, of such moves.

The focus is primarily on England, with a particular focus on London where eviction rates are highest and there has been particular concern over forced moves in the wake of welfare cuts.

Methods

The project encompassed a review of existing literature including the legal literature around possession and eviction, the use of assured shorthold tenancies (ASTs) within social housing and analysis of secondary data on court possession orders and rented housing.

The main part of the project comprised qualitative interviews with tenants at risk of, or having recent experience of, eviction or forced moves. A total of 145 interviewees were recruited through Shelter housing offices in Bournemouth, Bristol, Colchester, Hackney, Manchester, and Slough.

These areas were selected because the available Ministry of Justice (MoJ) and Department for Communities and Local Government (DCLG) homelessness data showed they had experienced increases in the use of the accelerated procedure (Section 21) and other private landlord actions and had a comparatively high proportion of households being owed a homelessness duty because their home had been lost due to the termination of an AST. The Shelter Hackney office is the main Shelter service in London and helped people throughout the capital. The Colchester and Bournemouth services served their wider counties. All case study areas were within England with a particular focus on London where eviction rates are highest, though the data examined relates for the most part to England.

We interviewed managers and frontline staff in each of the housing advice centres, and also in the relevant local authorities where possible.

It should be noted that some interviewees had experienced more than one forced move or eviction. Some had moved between areas so spoke about evictions in other parts of the country.

The profile of those interviewed

The interviewees were all adults (aged 18 or over) who had approached one of the Shelter housing offices for advice because they were facing a forced move or eviction, or who had experienced a forced move or eviction within the recent past. The sample is therefore likely to represent those who were unable to deal with the forced move or eviction independently, and were also unable to access full

support from local authority homelessness services. Individuals with the means to secure new accommodation independently and individuals eligible for full support from the local authority are both under-represented in the sample, as both groups are unlikely to seek advice from Shelter. Table 1 shows the key attributes of the interviewee sample.

Table 1: Key attributes of the interviewee sample

		Number	Proportion (%)
Location	Bournemouth	45	31
	Bristol	7	5
	Colchester*	8	6
	Hackney	42	29
	Manchester	7	5
	Slough	36	25
Sex	Male	61	42
	Female	84	58
Age group	18–21	5	4
	22–24	4	3
	25–34	27	23
	35–44	35	30
	45–54	32	27
	55–64	13	11
	65+	2	2
	Not known	27	4
Household type	Single person	64	44
	Family (with dependent or non-dependent children)	67	46
	Couple	14	10
Employment status	Full-time employment	18	12
	Part-time employment	22	15
	Unemployed and seeking employment	37	26
	Retired	1	1
	Unable to work (self-reported)	65	45
	Other	2	1
Receiving Housing Benefit	Yes (not in employment)	88	61
	Yes (in full-time or part-time employment)	19	13
	No	38	26
Tenure of home evicted / at risk of eviction from	Private rented	105	72
	Social rented	34	23
	Other	6	4
Current housing situation	Facing eviction or forced move	94	65
	In temporary housing due to eviction or forced move	24	17
	Homeless due to eviction or forced move	18	12
	Permanently housed but has had eviction or forced move in the past	9	6
Total		145	100

*This included one person recruited via an online forum.

Figure 1 shows the proportion of tenants receiving housing benefit, by employment status. Almost half of those in employment were receiving housing benefit, compared with around 85% of those who were not in employment.

Figure 1: Receipt of housing benefit by employment status

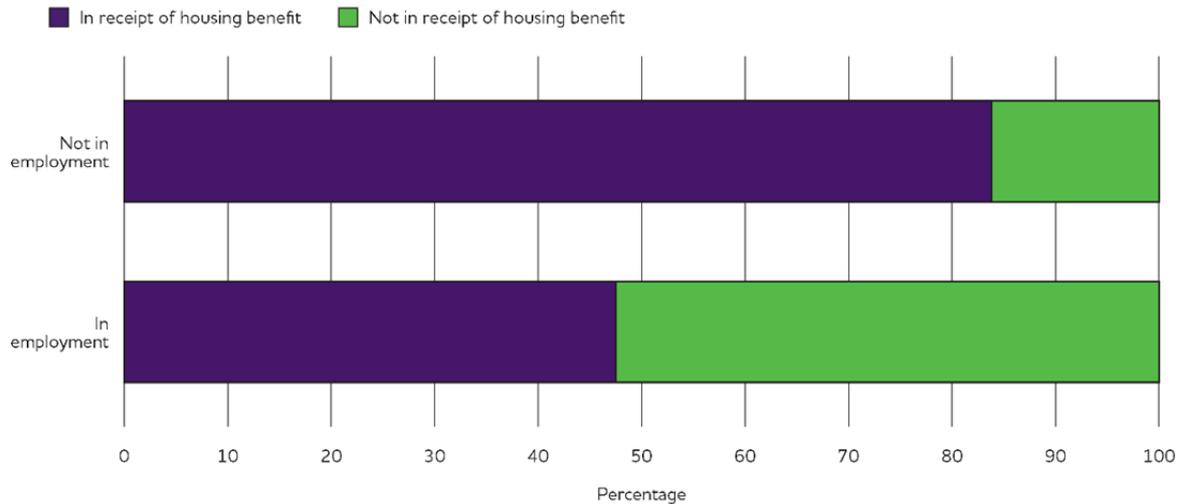
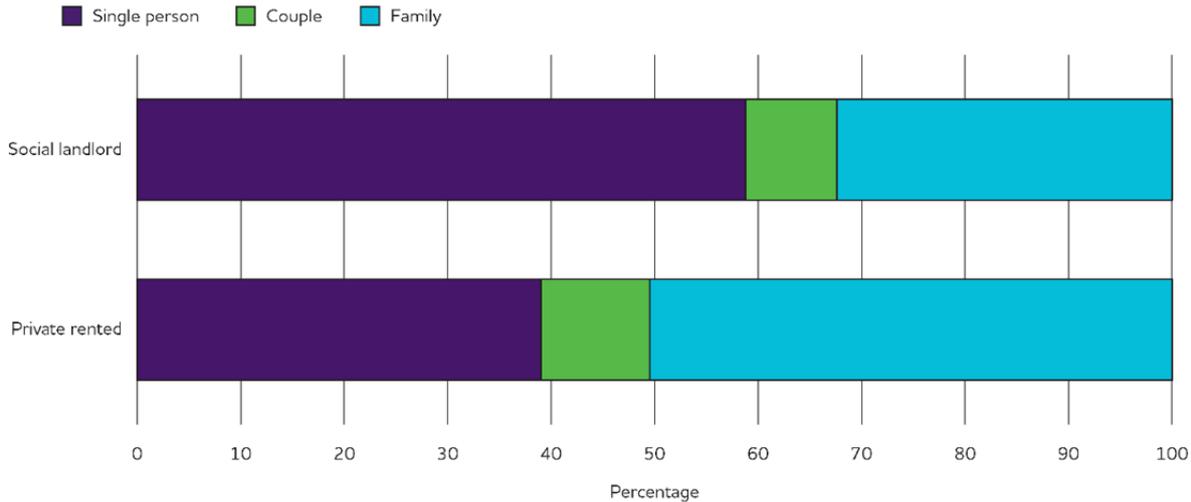


Figure 2 shows the household types evicted from properties of each tenure. More single tenants than families were evicted from social housing, and more families than single tenants were evicted from private rented properties.

Figure 2: Household type by tenure



Case study areas

There was not much difference in the demographics of the tenants in each of the case study areas, in terms of property type distribution, receipt of housing benefit or household types.

Property type	Non-London		London (including Slough)	
	Number	Proportion (%)	Number	Proportion (%)
Private rented property	47	70	58	74
Social housing	19	28	15*	19
Other	1	2	5	6
Total	67	100	78	99

Received housing benefit?	Non-London		London (including Slough)	
	Number	Proportion (%)	Number	Proportion (%)
Yes	53	79	54	69
No	14	21	24	31
Total	67	100	78	100

Household type	Non-London		London (inc Slough)	
	Number	Proportion (%)	Number	Proportion (%)
Single person	33	49	31	40
Family	26	39	41	53
Couple	8	12	6	8
Total	67	100	78	100

*Only 1 of these cases was in Slough

Fieldwork challenges

Interviewing tenants who were threatened with eviction, or who had actually lost their homes, presented challenges for the interviewers. Many of the interviewees were under severe stress because of their situation, and were upset and distressed, occasionally to the point of threatening suicide.

In some cases, the interviewees were visiting Shelter offices to discuss problems other than eviction, but were willing to discuss their previous experiences, either of eviction or a forced move.

2 Policy context and trends in evictions

Context

Tenants of private and social landlords can become at risk of homelessness through evictions and forced moves. *Eviction* is the legal route for enforcing a tenant's move from the property, but *forced moves* covers a vast grey area of behaviours that result in the tenant not having the option to remain in the property, but leaving rather than being formally evicted. Forced moves and evictions are occurring in the context of the increasing unaffordability of housing, poverty and welfare cuts faced by tenants.

Social housing tenants can usually only be evicted for rent arrears or a breach of tenancy, such as anti-social behaviour (ASB). Most private rented tenants have assured shorthold tenancies (ASTs) which can also be ended after their initial fixed term without the landlord having to give a reason ('no fault' evictions, often known as Section 21 evictions). The rise of the private rented sector (PRS), and the decline in owner-occupation (particularly among people buying with a mortgage), together with the increasing severity of welfare 'reforms' and other financial measures, has created increasing insecurity for tenants, not only in the PRS, but increasingly in the social housing sector as well. Welfare cuts include:

- the benefit cap, administered through reductions in housing benefit. At the time of this research it was set at £500 a week, affecting mainly larger families and PRS tenants in high-priced areas – mainly London. The recent reductions to the cap are likely to greatly increase its impact (DWP, 2015)
- the cuts to housing benefit for social tenants considered to have a spare bedroom (the under-occupation penalty, often referred to as the Bedroom Tax or spare room subsidy)
- lowering the Local Housing Allowance (LHA) for private sector tenants from the median of local rents to the 30th percentile, capping it below this in high rent areas, and freezing, or allowing only below-inflation increases to LHA rates in all areas resulting in a growing gap between LHA payments and rents.

There have also been changes to the taxation of private landlords, which has caused concern that some landlords may decide to sell up¹. Increases to stamp duty for landlords may also deter landlords from further investment in the PRS, and even where properties are sold between one landlord and another, the sale will usually be with vacant possession, meaning the tenant will be evicted first.

The PRS is also growing fast and housing an increasing proportion of low-income households and families, who struggle with the insecurity of the sector. This had led to calls for increased security of tenure (Bibby, 2016). There has been increasing concern about the rising rates of evictions and forced moves, especially in London. In the past five years, there have been significant changes in the process by which tenants can lose, or be forced out of, their homes. Since 2009/10, terminations of ASTs have risen by 35%, whereas all other reasons for losing the home have only increased by 8% over the same period. Landlord repossessions are heavily concentrated in London. Of the top 20 local authorities with the highest proportion of landlord claims, 19 are London boroughs (Ministry of Justice, 2015).

A UK-wide perspective

This study focusses on England, because the increase in evictions seen in recent years has been mainly in England, and because there is increasing divergence in legislation throughout the UK, mainly in relation

to the PRS. England is now the only part of the UK without compulsory landlord licensing (except on a local basis in some areas). ASTs are also used in Scotland and Wales.

Scotland

In Scotland, most private rented tenants currently have ASTs, as in England, but this is soon to change. The Private Housing Tenancies Act is expected to come into force in late 2017. It abolishes ASTs (with a few exceptions such as purpose-built student accommodation) and replaces them with a new private rented tenancy. The new tenancies differ from ASTs in that they cannot be ended under the existing 'no fault' grounds. Landlords will instead have to state a recognised ground for eviction – which can include the landlord needing to sell, refurbish or move into the property, as well as being the fault of the tenant in terms of ASB, criminal conduct or non-payment of rent. Tenants can challenge what they believe to be wrongful terminations of tenancies, with landlords obliged to pay them up to six months' rent if a wrongful termination is found to have occurred.

Legislation also governs rent increases; landlords will only be able to increase rents once a year. Tenants will be able to challenge any increase they consider unreasonable, and rent officers will determine what is a fair rent increase. Local authorities will also have the power to create 'rent pressure zones' where councils can apply rent caps if they consider that rent increases have been excessive.

These reforms have the potential to make a significant change to the PRS in Scotland. While there have been concerns expressed that landlords may leave the sector, or become more selective about choosing tenants, if successful the reforms could greatly reduce the opportunities for landlords to evict tenants for no fault of their own.

Landlord registration has been compulsory in Scotland since 2005.

Wales

ASTs are the norm for private rented tenants in Wales, as in England, and can be ended in the same ways. From November 2016, however, landlords in Wales have had to register, and those managing their own properties, and letting agencies who manage properties for landlords, have to be licensed. To apply for a licence landlords and agents have to complete training. If a landlord fails to register or apply for a licence they cannot issue a Section 21 notice to end a tenancy. In 2015 new duties were placed on local authorities in Wales to help all households who are homeless or threatened with homelessness. The full homelessness duties are still owed only to households deemed to be in 'priority need', and the accommodation secured for homeless people does not have to be social rented and can include appropriate offers of accommodation in the private rented sector.

Northern Ireland

The 1988 Housing Act does not include Northern Ireland, so ASTs are not in use. In 2007, the standard tenancy in use in Northern Ireland was introduced, giving tenants broadly similar rights to those on ASTs in England. Tenants, however, can be given just 28 days' notice once their tenancies have become periodic tenancies after the end of the fixed term period, though this is increased to 8 weeks for tenancies held between 5 and 10 years, or to 12 weeks for tenancies over 10 years. Most tenants in Northern Ireland are subject to the same LHA rules as elsewhere in the UK. Unlike in the rest of the UK, however, all tenants can elect to have their LHA paid direct to their landlord.

A national landlord registration scheme was also introduced in Northern Ireland in 2015 with fines imposed for any landlords who fail to register.

England

One issue which has been highlighted in recent years has been ‘revenge evictions’². These occur when tenants are evicted because they have complained about housing conditions that the landlord has failed to address (Crisis, 2010). Legislation was brought in for tenancies starting after September 2015 which prevents landlords from issuing Section 21 notices (‘no fault’ evictions) in situations where the tenant has complained in writing about the condition of their home, the landlord has failed to respond adequately within 14 days and the council has served a relevant notice in relation to the property. Courts are obliged to strike out eviction orders served in such circumstances.

Further protections were also brought in for tenants starting tenancies after September 2015. Landlords have to issue tenants with a copy of the government leaflet *How to rent: the checklist for renting in England*, an energy performance certificate and a gas safety certificate before notice can be served. The landlord also has to use the correct form to issue the notice. Landlords are also prevented from serving an ‘open-ended’ eviction notice at the start of a tenancy, which was sometimes done in order to speed up the process later on, should the landlord decide to evict the tenant. Notices cannot now be served during the first four months of a tenancy.

There has also been a drive to crack down on rogue landlords, with government money allocated to councils to do this, and an increase in local authority-run landlord licensing schemes. The Housing and Planning Act passed in May 2016 sets out legislation for a database to be established in England in 2017 of people deemed unfit to be landlords, and civil penalties of up to £30,000 and an extension of Rent Repayment Orders to cover illegal eviction, breach of a banning order or failure to comply with a statutory notice. Since 2004 landlords of houses in multiple occupation (HMOs) are also subject to a ‘fit and proper person test’ which they will fail if they have failed in the past to comply with legislation, or have filed for bankruptcy.

The legislation around revenge evictions was in force when the fieldwork for this research was done, but most of the other measures only affect those whose tenancies were signed after September 2015, or they are yet to come into effect.

The Homelessness Reduction Act, which received Royal Assent in April, places greater responsibilities on local authorities to help households threatened with homelessness, along similar lines to those in Wales. This includes duties being owed to people likely to become homeless within eight weeks (compared with four weeks as now). The Act’s first draft sought to tackle the problem of tenants being told by local authorities that leaving at the end of their notice would make them intentionally homeless and ineligible for local authority help, proposing instead that tenants should be regarded as homeless after their notice had expired. This would increase security for tenants, and reduce the risks for landlords in letting to low-income tenants. However, the Act was later amended to remove tenants’ rights to leave after notice had expired and be eligible for full homeless duties, instead granting them just prevention assistance while they remain in their home waiting for bailiffs.

Trends in evictions (England and Wales)

This section analyses recent trends in landlord evictions through the courts, how the type of landlord action has changed over the period, and how the increase in repossessions is geographically concentrated.

The data for this section is drawn mainly from the Ministry of Justice (2015) statistics bulletin *Mortgage and Landlord Possession Statistics in England and Wales*, published quarterly since 2003. Prior to Q2 2016, instances in which there were fewer than five landlord actions in any one quarter in a local authority area were not recorded in the MoJ local authority area statistics. Since these data are now available, and backdated, the statistics in this report have been updated to include these cases.

The data are divided into three categories of landlord action:

- social landlord actions
- private landlord actions (mainly under Section 8 of the Housing Act 1988)
- accelerated procedure actions (under Section 21 of the Housing Act 1988).

In this section, the term ‘private landlord action’ is used only to describe actions by private landlords other than Section 21.

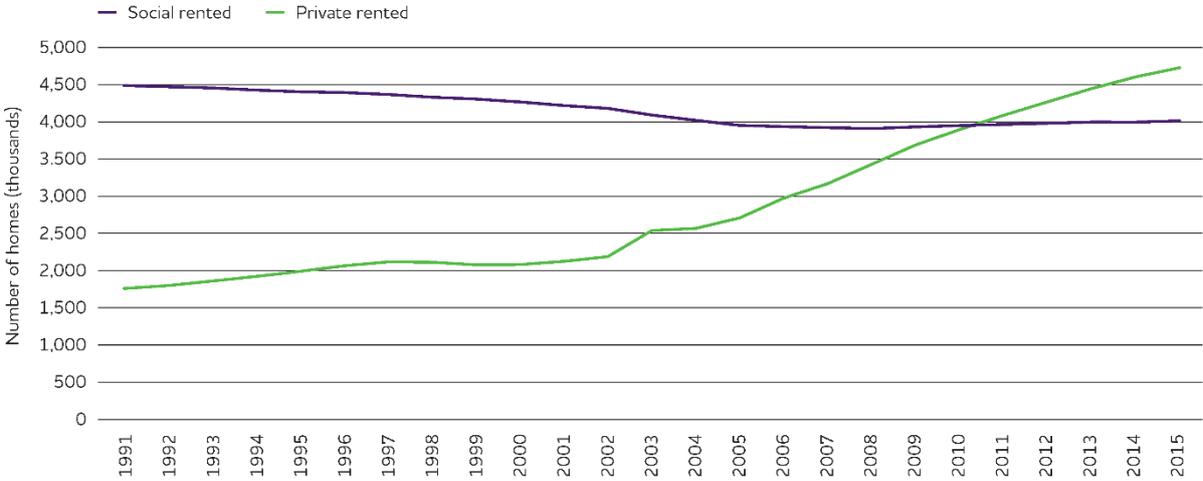
There are four formal legal processes in evicting a tenant. The first is for the claimant (the landlord) to lodge a claim for possession with the court. In around 72% of cases the court will grant either an outright or suspended possession order. The claimant can then apply for a warrant of possession, and about 40% of claims proceed this far. Once a warrant has been issued, county court bailiffs can repossess the property on behalf of the claimant. Only around 21% of original claims result in a repossession. This research only considers the numbers of original claims for possession, and the numbers of actual repossessions.

Housing associations that use assured shorthold tenancies can use Section 21 to end these tenancies, but there is no evidence that they do so on any scale. The use of assured shorthold tenancies by housing associations has grown rapidly in recent years, particularly in London, the East, South East and South West (Department for Communities and Local Government, 2015a), but these are the result of a shift to the use of fixed term tenancies. Fixed term tenancies were introduced in 2011, though social landlords were for the most part initially cautious (Chartered Institute of Housing, 2014). The regulations specified that they must be for a minimum of five years except in ‘exceptional circumstances’. It is therefore unlikely that many of these have ended, although when their fixed term does end, they could be terminated using Section 21. It is therefore assumed in this report that the use of Section 21 is currently confined to private sector landlords.

The growth in evictions and the growth in the rented sector

Over the past 25 years, the size of the rented stock in England has grown by a third from 6.6 million homes in 1991 to 8.8 million in 2015, as shown in Figure 3.

Figure 3: Growth in rented housing stock 1991– 2015



Over that period, the social rented stock has shrunk by around 10%, while the private rented stock has nearly trebled, from 1.8 million homes in 1991 to 4.7 million in 2015.

Since 2003, the number of social rented homes has flatlined, while the number of private rented homes has nearly doubled, growing by 186% from 2.5 million homes to 4.75 million by 2015.

In the social rented sector, the rate of claims for possessions and repossessions has fallen since 2003, as shown in Figure 4.

Figure 4: Claims for possessions and repossessions in the social rented sector

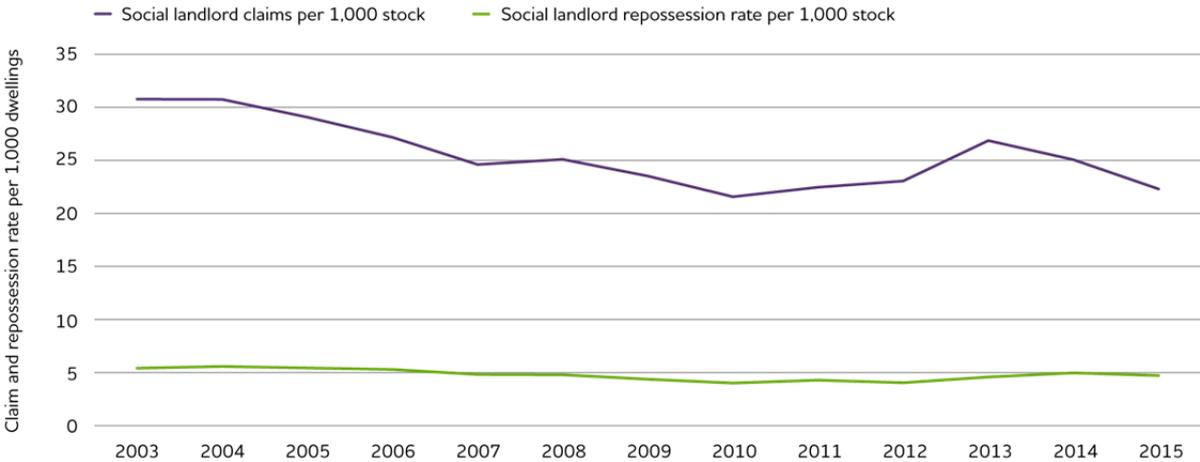
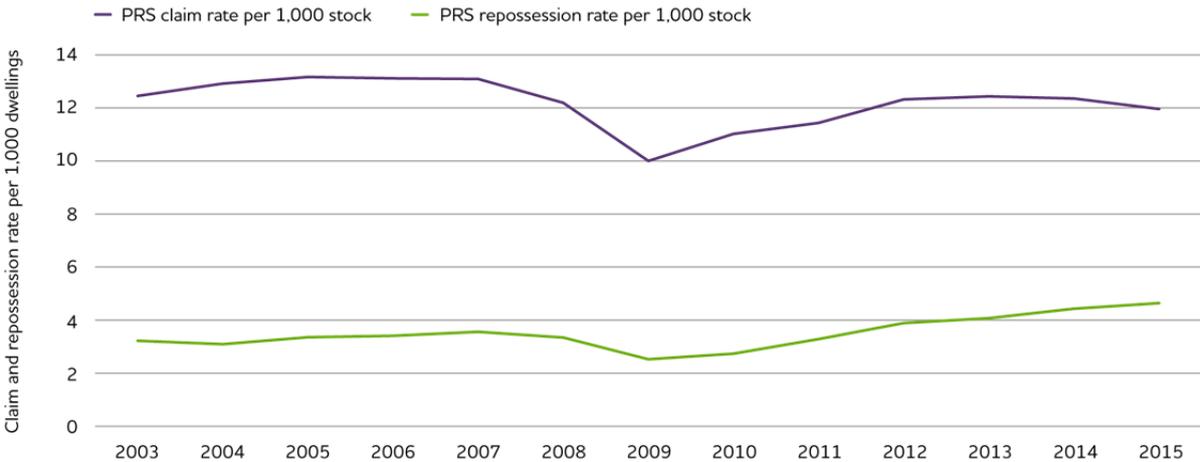


Figure 4 shows that the rate of social landlord claims for possession per 1,000 dwellings has fallen by over a quarter (28%), from 30 per thousand to 22 per thousand, and has fallen by more than one in ten (15%) for repossessions, from 5.54 per thousand to 4.7 per thousand. The smaller fall in repossessions than in claims indicates that a higher proportion of initial claims now result in repossession than in 2003.

In the private rented sector, the rate per 1,000 dwellings for landlord claims for possession has also fallen over the period, but by a much smaller percentage (4%), while repossession rates have risen by 44% over the same period, as shown in Figure 5. There is a clear correlation between the rate of claims by private sector landlords and the recession in 2008/2009.

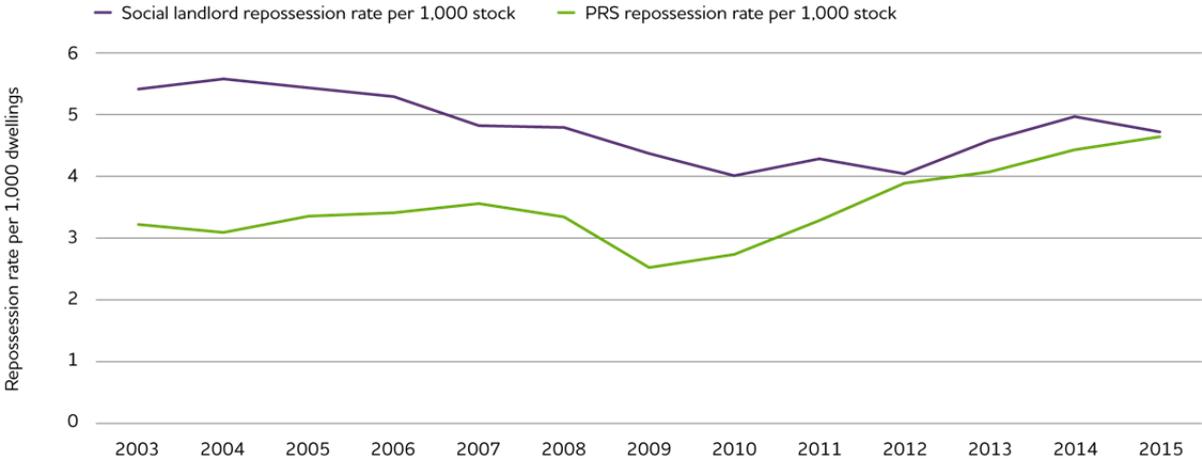
Figure 5: Claims for possessions and repossessions in the private rented sector



Again, the rise in the repossession rate, from 3.2 per thousand to 4.64 per thousand, against a static rate of claims for possession at around 12 per 1,000, indicates that more claims for possession are now pursued through to actual repossession.

Figure 6 shows that while private landlord repossession rates per 1,000 dwellings were well below those of the social rented sector in 2003, the two sectors have converged, with both now repossessing around 4.7 properties per 1,000 each year.

Figure 6: Social and private landlord repossession rates per 1,000 dwellings



However, there is a marked geographic concentration of private sector repossessions in the higher pressure housing markets of London, the East and the South East. Figure 7 compares the repossession rate in the three regions of London, the East and the South East with that in the rest of England.

Figure 7: PRS repossession rates by region

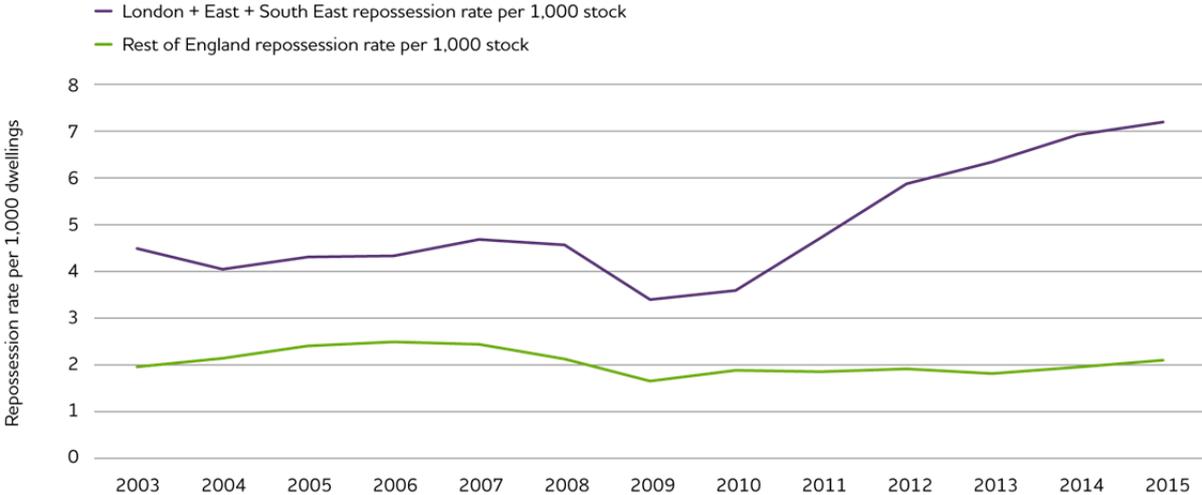


Figure 7 shows that the repossession rate, across all types of private landlord action, in the three regions of London, the East and the South East, has risen by more than a half (60%), from 4.49 per 1,000 to 7.2 per 1,000 since 2003, while in the rest of England, the repossession rate has risen by 7% since 2003, from 1.9 per 1,000 to just under 2.1 per 1,000.

This rise in the repossession rate in high pressure housing markets is driven by an increase in the use of the accelerated procedure under Section 21. Figure 8 shows that across England as a whole, the repossession rate for private landlord actions other than Section 21 has actually fallen from 1.31 per 1,000 in 2003 to 1.23 per 1,000 in 2015. The repossession rate for actions using Section 21, however, has risen from 1.9 per 1,000 in 2003 to 3.4 per 1,000 in 2015, a rise of 79%.

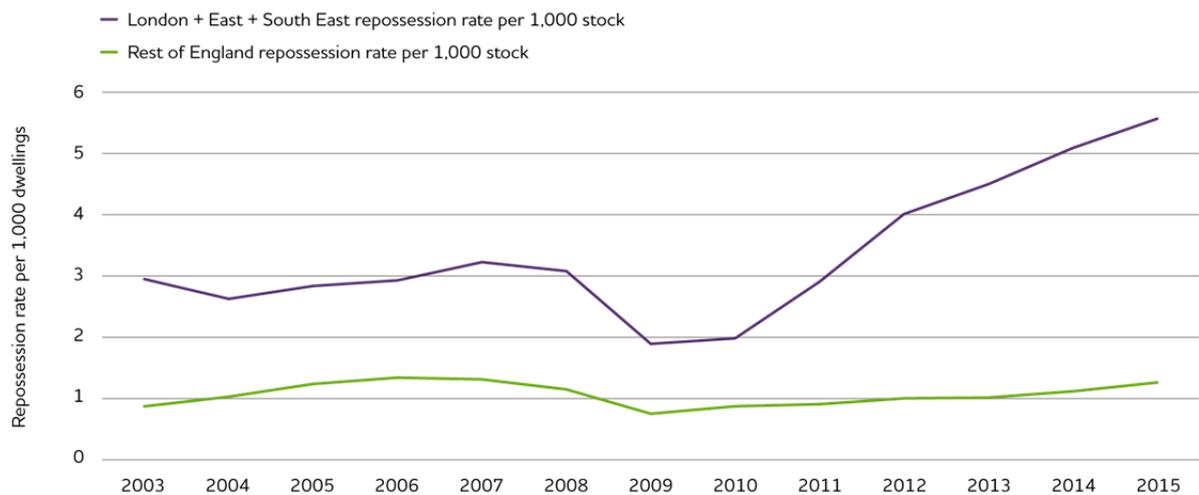
Figure 8: Private landlord actions



Figure 9 shows that the use of Section 21 is geographically concentrated. In the three regions of London, the East and the South East, the rate of repossessions using Section 21 has risen by 89%, while in the rest of England the rate has only risen by 44%.

Four out of every five (81.4%) of all repossessions using Section 21 take place in the three regions of London, the East and the South East.

Figure 9: PRS Section 21 repossession rates by region

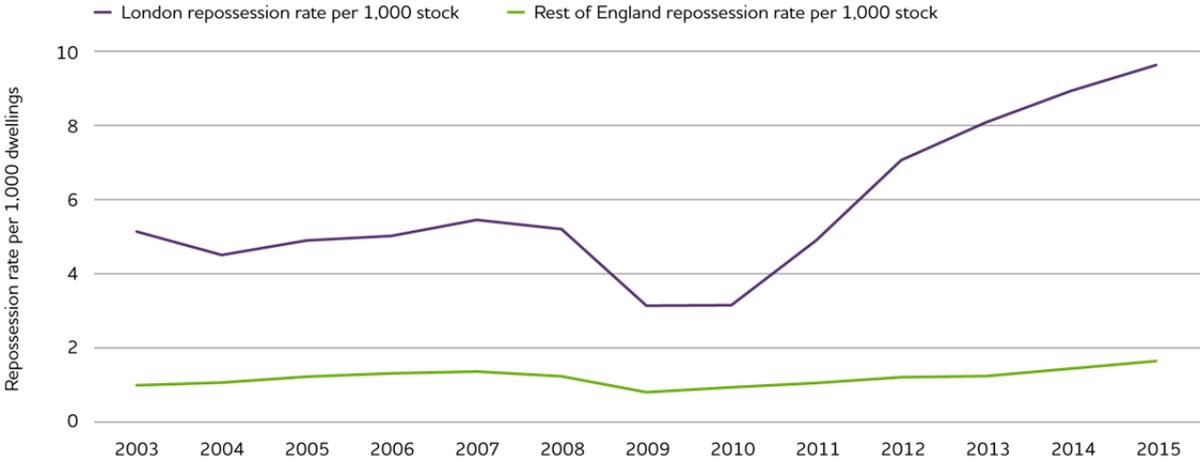


The degree of geographic concentration in the use of Section 21 is even more marked when London is compared with all the other regions of England.

Figure 10 shows that the repossession rate using Section 21 in London has risen by 87%, while in England excluding London, the rate has risen by 66%.

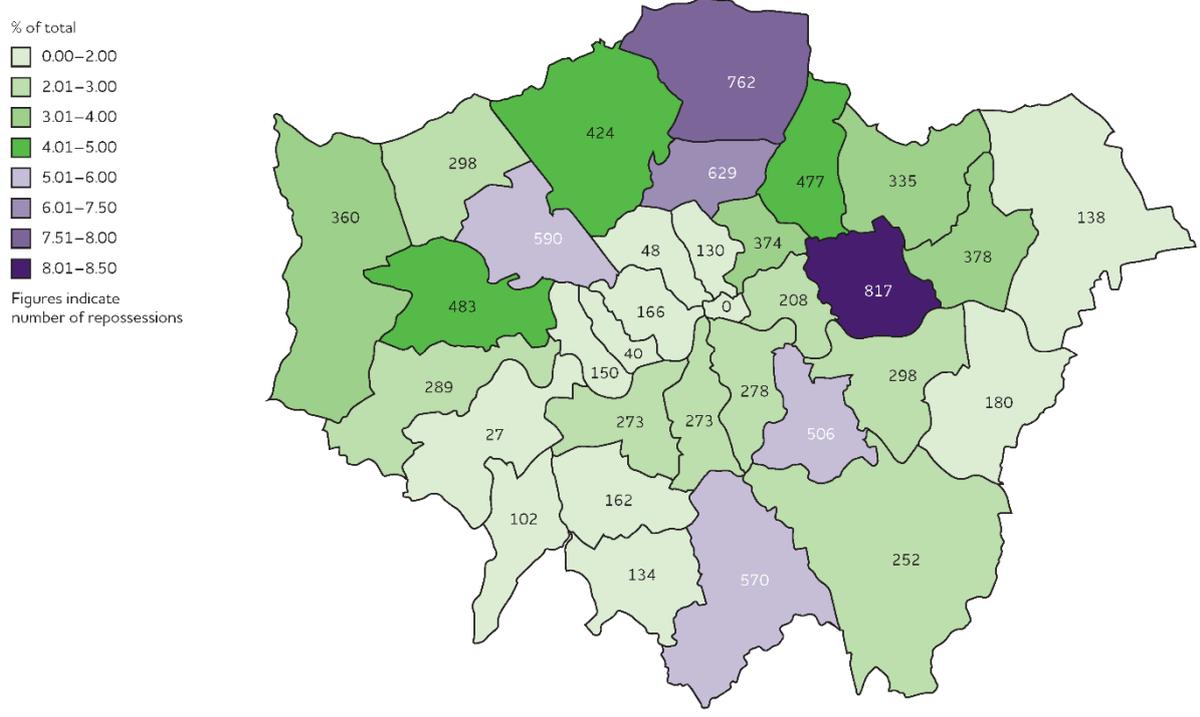
Nearly two-thirds (62.4%) of all repossessions using Section 21 take place in London.

Figure 10: Section 21 repossession rates in London compared with the rest of England



The concentration of repossessions using the accelerated procedure in London accounts for exactly two-thirds of the total increase in England between 2009 and 2015. Just over half of the increase in London came from 9 of the 32 boroughs, and one-third from the five boroughs with the highest repossession rates: Newham, Enfield, Haringey, Brent and Croydon. Figure 11 shows the number of repossessions occurring in each borough, and their percentage of the London total.

Figure 11: Accelerated procedure repossession rates by London borough (2015)



The geography of repossession is highly concentrated in north London, where seven of the nine highest repossession rates occur in Newham, Enfield, Haringey, Brent, Ealing, Waltham Forest and Barnet.

Outer boroughs in the east and south have low rates of repossessions, but the lowest rates are found in Richmond upon Thames, Kensington and Chelsea, Camden, Kingston upon Thames, and Islington, which together account for less than 5% of all repossession actions in London.

What are the causes of forced moves and evictions?

The literature

Homelessness is caused both by individual factors – which put some people at higher risk – and structural ones, which determine overall rates of homelessness (Chamberlain and Johnson, 2013). Homelessness is also the result of a combination of risk factors and a trigger event (Warnes and Crane, 2006). Chamberlain and Johnson (2013) set out five pathways into homelessness: family breakdown, substance abuse, mental health issues, youth to adult transition, and housing crisis. The family breakdown pathways relate to homelessness associated with either failed relationships or domestic violence (with women and children usually leaving the home). With the substance abuse pathway, the substance abuse has often developed over several years to a point where the associated behaviours of the individual had left them at risk of homelessness. On the mental health issues pathway, either a person's family was unable to cope with their mental health difficulties or there were no families to offer support, leading to homelessness. In the youth to adult pathway, individuals had first become homeless when they were 18 or younger with people on this pathway having either been in state care or had a traumatic family life.

The pathway of greatest relevance to this research is the housing crisis pathway, where individuals had endured a financial crisis that led to their homelessness due to inability to afford their accommodation (Chamberlain and Johnson, 2013). Evictions or forced moves may be the triggers for losing their home. Renting is an unstable housing option for some, with the risk of repeated forced moves or eviction. Evidence from a longitudinal household panel survey demonstrates that eviction from rented housing is associated with increased risks of mental health issues immediately before the eviction occurs (Pevalin, 2009). The direction of this relationship, however, is unclear; poor mental health could increase the risk of being evicted.

The unaffordability of housing is most acute among the lowest income quintile, with 40% of this group spending more than one-third of their income on housing; this is most common among private renters (Tinson et al, 2016). Some tenants may be forced to move because they cannot afford the rent (Warnes and Crane, 2006). Unaffordability can be the result of landlords increasing the rent or tenants having taken on a tenancy that they know to be unaffordable because of a lack of alternatives (Rugg, 2008). Those with unaffordable housing costs may decide to leave before being served an eviction notice, or come to an arrangement with the landlord to leave (Pennington, 2015). Rugg (2008) noted instances where landlords, faced with tenants who were not paying their rent, were willing to pay tenants to leave the property as a quicker alternative to serving an eviction notice.

Issues around the receipt and acceptance of housing benefit exacerbate the issue of unaffordable rented accommodation. A survey of private landlords by Shelter highlighted that 42% of landlords refused to let to housing benefit claimants, and an additional 21% would prefer not to (Shelter, 2016). Landlords in the survey who had removed a tenant from a property in the past three years, most commonly cited rent arrears of at least two months' rent or ASB (including damage to the property), accounting for 46% and 26% of actions respectively. Further, in 9% of cases, the landlord either wanted the property back to sell or live in or wanted to increase the rent (Shelter, 2016).

Tenants may find themselves the innocent victims of repossessions where the landlord has failed to maintain mortgage payments. A study of buy-to-let landlord mortgage arrears (Wallace and Rugg, 2014)

found in 2013 that while a smaller percentage of buy-to-let mortgages were in arrears compared with residential mortgages, a higher percentage ended in possession. For tenants, the repossession of a property due to the landlord’s mortgage arrears means they do not have the right to the notice period they could normally expect (Crisis et al, 2009).

Other tenants may be forced to move as a result of poor standards or unsafe accommodation; for example Rugg (2008) notes examples of tenants leaving properties because of landlords not repairing faulty wiring that caused a fire or not addressing severe damp. Tinson and colleagues (2016) identified those in poverty in the PRS as being the most at risk of non-decent housing.

Through focus groups with landlords, Rugg (2008) found that landlords with properties at the cheaper end of the PRS may not address maintenance requests, to force a tenant to move where there are concerns about the tenant’s behaviour or non-payment of rent.

At the bottom of the PRS, tenants may find themselves living in high crime areas, possibly with the perpetrators of crime, and become the victims of crime in their homes and so may be forced to leave their property (Rugg, 2008).

Changes to a tenant’s health may also result in their forced move. Warnes and Crane (2006) identified instances of older tenants becoming homeless because health problems had meant that their accommodation was no longer accessible or was too difficult to manage.

National data

Using the English Housing Survey 2013–14 (Department for Communities and Local Government, 2015b), the research analysed all tenants whose last move could be considered forced, ie it was not because the tenant had chosen to move.

Table 2 shows the attributes of the tenants whose last move was most likely to have been forced rather than chosen.

Table 2: Attributes of tenants whose last move was forced

Attribute	Proportion of moves which were forced (%)
All movers	22
Not working (nor with partner working)	36
Bottom income quartile	35
Aged 16–24	35
Other multi-person households	30
With long-term illness or disability	29
Receiving housing benefit	28
Single person aged under 60	27
Lone parent with dependent child(ren)	27
Ethnic minority	25
London	25
Rest of South of England	24
Male	24

As can be seen, households who had lower incomes and were younger were more likely to have been forced to move than those who were better off and older.

In the same survey, respondents who had moved within the last three years from private rented accommodation were asked how their previous tenancy had ended. See Table 3.

Table 3. Reasons reported by tenants for tenancies ending

	Frequency	% of total
Wanted to move	2,160,624	78
Asked to leave by landlord/agent	230,858	8
Accommodation tied to job and job ended	42,541	2
Mutual agreement	227,212	8
The tenancy was for a fixed period	173,954	6
Rent increases by the landlord	66,245	2
Total	2,782,793	100

This suggests that just under a quarter of moves from private rented properties in England were forced in some way – not simply because the tenant wanted to move.

Those who indicated that their landlord had asked them to leave were then asked why they thought they had been asked to leave. See Table 4.

Table 4: Reasons tenants thought they had been served notice

	Frequency	% of total
Non-payment of rent	1,415	1
Difficulties with payment of Housing Benefit/Local Housing Allowance	0	0
Landlord dissatisfied or neighbours complained to landlord	1,688	1
Landlord wanted to sell/use property	141,280	62
Problems with property	4,167	2
Other reason	81,417	36
Total	228,017	100

This suggests that the main reasons tenants believe their landlord ended their tenancy was because the landlord needed to sell the property or use it themselves. The second largest category here was ‘other’, which suggests either that there was some other reason(s) not offered as choices in the question, or that tenants selected this option because they did not know why their landlord had asked them to leave. Very small numbers of tenants said that they had lost a tenancy because of non-payment of rent, complaints by neighbours or problems with the property. This data is for 2013–14 so does not reflect recent welfare reforms.

Why is the number of evictions increasing in England?

As shown above, the number of evictions has increased broadly in line with the growth of the PRS in most areas – though this still means a large growth in absolute terms, meaning growing numbers of people experience evictions, putting pressure on local authority homelessness services. Rates of repossessions of owner-occupied homes are very much lower, and this is the sector that has shrunk as the PRS has grown.

There has been a sharp rise in Section 21 evictions in London, which is not fully explained by the growth of the PRS. This has occurred in particular boroughs.

Possible reasons include:

- rising rents
- growing gaps between housing benefit rates and market rents
- the benefit cap, which has hit households in London very much more than those elsewhere (Kennedy et al, 2016)
- the growing practice of London boroughs of rehousing people into the PRS – sometimes with landlord incentives to offer a two-year tenancy, but in situations where the tenant cannot afford the market rent (even with LHA), meaning that at the end of the two years the tenancy often ends
- competition for properties from other sectors such as Airbnb in London, causing landlords to end tenancies.

Rising rents

Rents have risen faster in London than other parts of Britain, especially in the last year. The annual increase in rents in London now stands at 4.1 per cent³. This is not a huge annual increase, but if landlords do not inflate rents for existing tenants annually, it is possible for the rent to become substantially below market rents in just a few years, causing the potential for an unaffordable rent 'hike'. An easier option for the landlord may be to end the tenancy and re-let the property at a higher rate.

Growing gaps between housing benefit and rising rents

LHA rates have been frozen or had capped increases in the last few years. They were also subjected to caps which primarily affected inner London. Table 5 shows the monthly shortfalls between current LHA rates and VOA-calculated 30th percentile local rents for the broad rental market areas (BRMA) that fall at least part within London boroughs.

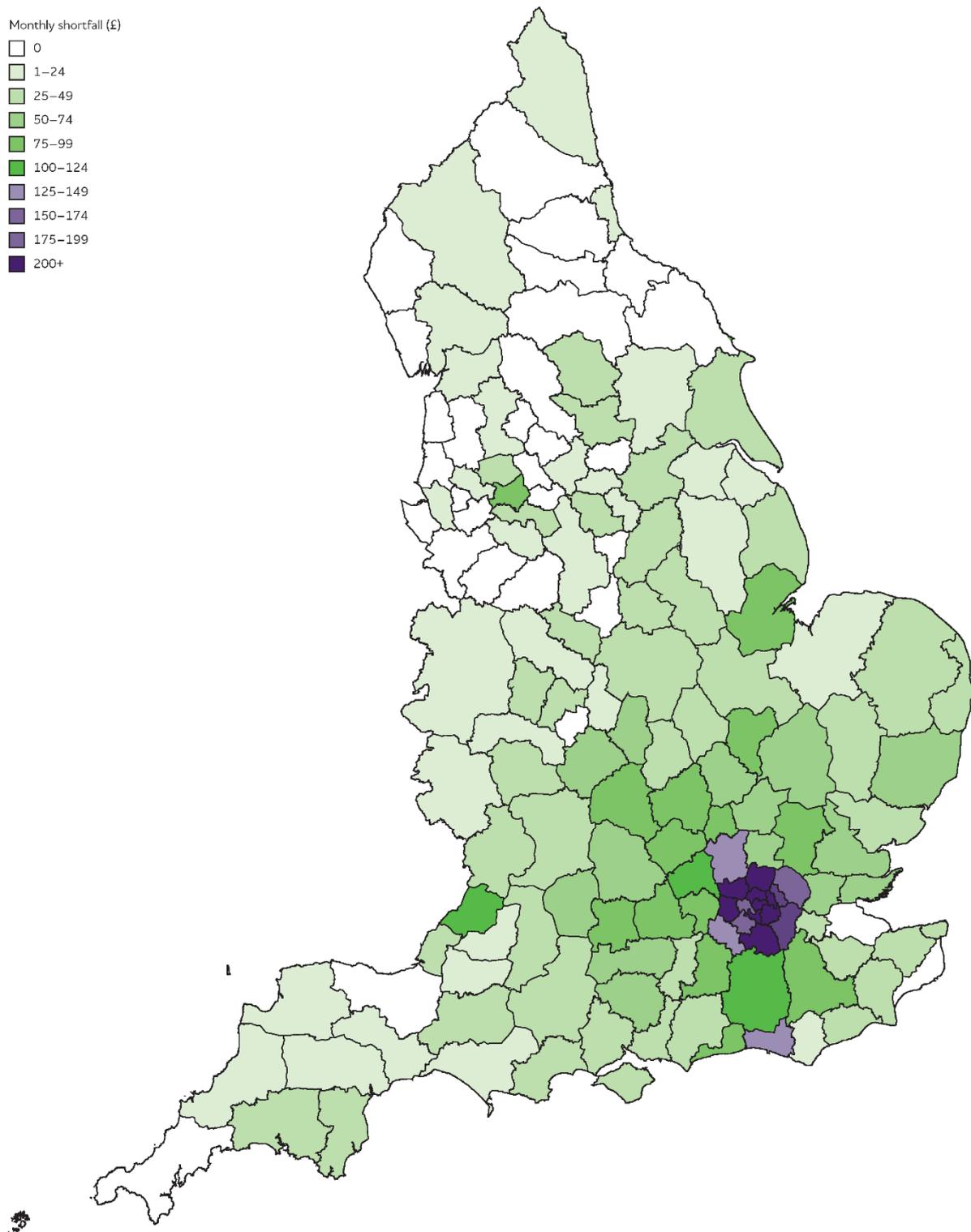
Table 5: Monthly shortfalls between LHA rates and 30th percentile local rents, by BRMA

	Room (£)	1 Bed (£)	2 Bed (£)	3 Bed (£)	4 Bed (£)
Central London	230	562	1,000	1,632	2,207
Inner East London	145	191	240	644	915
Inner North London	157	210	337	702	985
Inner South East London	105	194	261	269	365
Inner South West London	74	230	257	493	960
Inner West London	32	178	160	333	786
North West London	70	136	221	198	196
Outer East London	98	108	189	201	382
Outer North East London	112	100	162	220	214
Outer North London	98	132	214	248	334
Outer South East London	26	112	175	220	214
Outer South London	98	122	209	135	227
Outer South West London	158	212	159	259	760
Outer West London	118	135	205	264	354
Average of BRMA shortfalls in inner London	124	261	376	679	1,036
Average of BRMA shortfalls in outer London	97	132	192	218	335
Average of BRMA shortfalls outside London	22	29	33	50	70

Source: Valuation Office Agency, own calculations. LHA levels 2016/17. 30th percentile market rents from 12 months to the end of September 2015, inflated to estimates for end of March 2016 using average inflation rate for 2013–15 (VOA). Cells in grey are where the LHA limits have been capped at the current rates of between £1,133 and £1,807 a month.

Figure 12 shows the shortfalls for two-bedroom properties for England and for the London area.

Figure 12: Monthly shortfall (£) between 30th percentile market rent and LHA for two-bedroom properties, by BRMA



As can be seen, the cumulative effect of not uprating LHA in line with market rents, along with the capping of LHA, has had a huge impact in London not seen in the rest of the country. This is partly because of the LHA cap, partly because rent increases have been higher in London, and partly because rents were higher in London to start with so a 5% increase in rents equates to larger shortfalls in absolute terms to be paid from benefit income, which is fixed nationally. The impact is highest in Central London, Inner North London, Inner East London and Outer South West London.

The benefit cap

The benefit cap was introduced in 2013 and limited the total benefit payments to working-age households without jobs to £500 a week, including housing benefit. This mainly affected very large households, and those paying high rents in London; around half of affected households were in London. The recent reduction of the cap to £385 a week outside London and £442 in London is likely to have further impact, though this will not yet have been seen in eviction statistics.

Table 6 shows the impact on different sizes of families in two contrasting BRMAs in London (the third highest and third lowest priced).

Table 6: Impact of the benefit cap

Broad rental market area	Size of home	Amount left for rent after costs of food etc		Amount left for food etc after rent	
		Inner E London	Outer NE London	Inner E London	Outer NE London
Single person under 35	Room	£444	£327	£58	£58
Single person over 35	1 bedroom	£800	£676	£27	£73
Single parent, two children under 10	2 bedrooms	£695	£695	£146	£417
Couple with three children	3 bedrooms	£224	£224	-£383**	£146
Couple with three boys and a girl, aged over 10	4 bedrooms	£-66*	£-66*	-£875**	-£283**

*Source: DWP benefit rates 2016/17, VOA rents for 30th percentile rents by BRMA. Cells shaded in pink are affected by the benefit cap. *=households for whom the cap leaves a shortfall in living costs, even if no rent is due. **=households for whom the cap does not cover local rents, even before they pay anything for living costs.*

Recent data suggests that 8,444 households in London were affected as of August 2016, though around four times as many have been affected at some point in the last 12 months. The largest numbers affected in London were in Brent, Enfield, Tower Hamlets and Westminster, though the amounts lost through the cap was highest in Lewisham, Newham, Haringey and Waltham Forest where over a quarter of capped households were losing more than £100 a week as of August 2016. DWP data on reasons why households ceased to be capped suggests that 26,780 London households had ceased to be capped by August 2016, of whom 3,172 were no longer claiming housing benefit, 3,570 were now claiming a lower level of housing benefit, 261 had had a change in household structure and 151 had had a change in local authority, all reasons which could be related to evictions although there is no data recorded on this.

Local authorities paying incentives to private landlords

The practice of local authorities paying ‘sweeteners’ to private landlords has been highlighted in the press⁴, with lump sums of up to £4,000 reported in return for offering a two-year tenancy. The use of

incentives such as these may encourage landlords to let to tenants at levels which can be supported by housing benefit and/or paid from low wages. However, at the end of the two years unless further incentives are offered, the landlord may decide to end the tenancy in order to let at market rates. There is no national-level data on the extent of this practice; the press reports have mostly related to London boroughs. DCLG data does show that discharging homeless duties by means of offering a private rented tenancy, allowed since 2012, is much more common in London than elsewhere in England.

Landlords offering short-term lets instead of ASTs

The practice of landlords in London letting their homes via short-term lets ('homesharing'), rather than ASTs has been highlighted in the press recently⁵, following a report into the issue by the Residential Landlords Association⁶. This estimates that there are now more than 42,000 listings in London on Airbnb, and that this was growing rapidly during 2016. Around half of these are whole properties, which might otherwise have been let on ASTs to longer term residents, and more than half were available for lets of more than 90 days, suggesting it is not normal holiday accommodation. There is no comparable data for elsewhere in Britain, though the attraction of London as an international destination for short-term visitors and workers is likely to mean it is more of an issue in London than elsewhere.

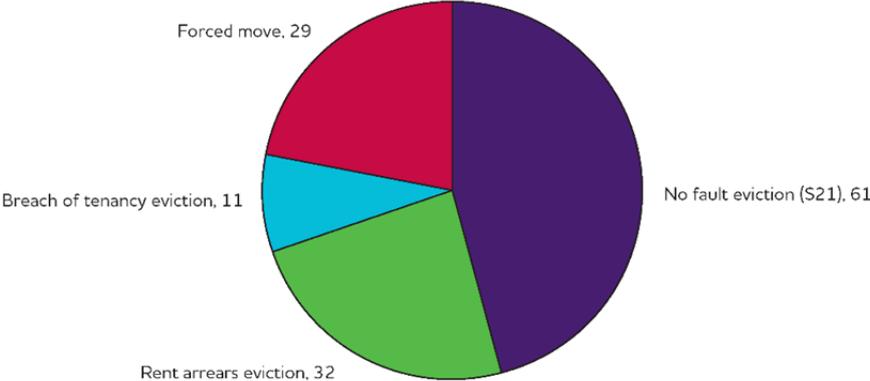
Recent research commissioned by Airbnb and carried out by the Institute for Public Policy Research (IPPR) suggests that, overall, homesharing's impact on housing supply in London is still small (less than 1% of the stock), although growing fast and that in some high-pressure markets such as Camden and Islington there is potential for homesharing to worsen the housing crisis.

3 Evidence from the interviews: the reasons for forced moves and evictions

The distinction between 'forced moves' and 'evictions' was sometimes not clear, as some tenants left situations where an eviction would probably have occurred had they stayed. When examining the motivations for 'forced moves' it should also be recognised that, counterbalancing factors forcing tenants to *move*, there were also various barriers to moving, forcing tenants to *stay* in properties. Many tenants described poor conditions in their properties, but often the reason they were leaving was unrelated to these conditions. In a market that was operating effectively many of the tenants would not have chosen to remain in their properties, but it was clear that at the bottom end of housing market, tenants' choices were very constrained.

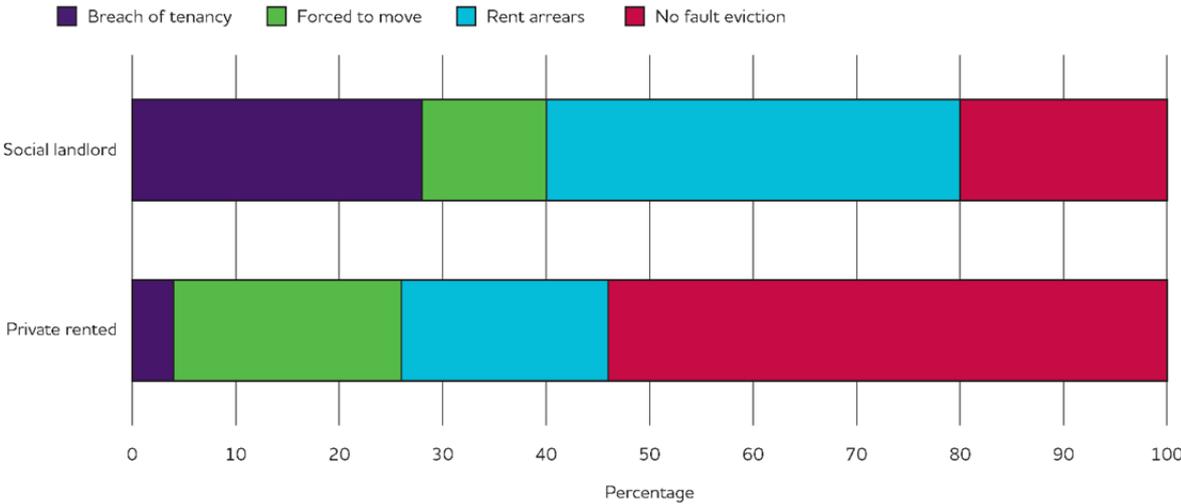
Figure 13 shows the main types of evictions and forced moves experienced by the sample⁷. The total number of forced moves and evictions from the sample was 133. This figure excludes ten interviewees who had been evicted from temporary accommodation and eight who were evicted by family or friends, or left a property because of a relationship breakdown. Some interviewees had experienced multiple forced moves or evictions in recent years so are included more than once in these statistics.

Figure 13: Types of eviction and forced moves



Reasons for evictions differed by tenure; tenants in private rented properties were most likely to have been evicted using a no fault eviction (usually via Section 21, which is not generally available to social landlords). Tenants in social rented properties were most likely to have been evicted because of rent arrears.

Figure 14: Evictions and forced moves by tenure

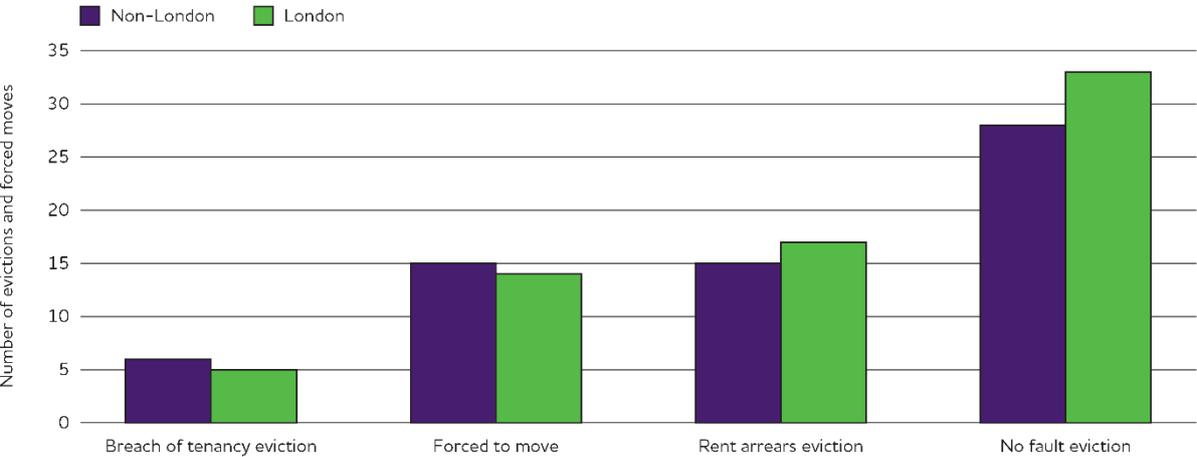


Case study areas

While each case study area was different, the way in which they were selected means that they all had pressured housing markets. Discussions with Shelter staff highlighted similarities across the case sites. In all areas, the LHA rates were insufficient to cover the actual rent (except in Manchester where LHA rates were reasonable for families, but not single person households). In addition, housing benefit claimants were refused by local landlords and lettings agents; staff in all areas noted problems with ‘no DSS’. In all areas, the pressured housing markets meant that local landlords could be highly selective about who they let property to; housing benefit claimants were not a desirable tenant group and some landlords would not rent to families. In Manchester staff felt that this issue was exacerbated by the buoyant student market (often considered preferable to renting to benefit claimants).

The reasons for eviction did not differ greatly between the different case study areas. This suggests that no fault evictions and forced moves are not just a London issue; they are prevalent in other parts of the UK with pressured housing markets. No fault evictions were by far the most common type of eviction both in and out of London.

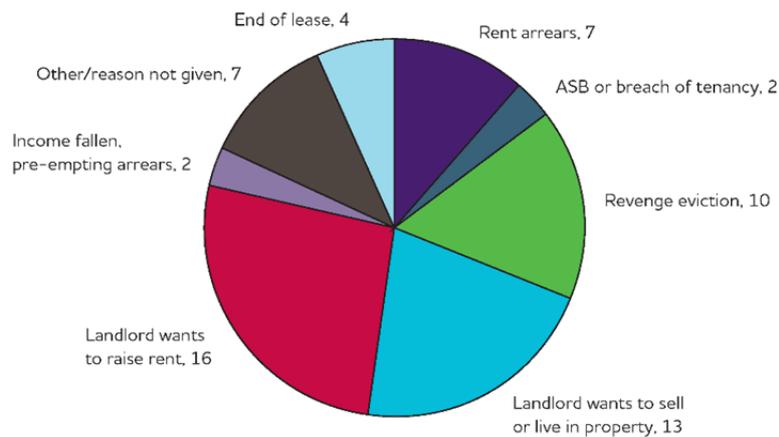
Figure 15: Evictions and forced moves by area



No fault evictions

Figure 16 shows the main causes of no fault evictions (Section 21).

Figure 16: Factors tenants believe to be the cause of no fault evictions



Overall 61 tenants had been evicted, or were currently being evicted, using no fault evictions; 57 of these were tenants in privately rented properties who were served a Section 21 notice, and four were tenants in social housing where the lease came to an end.

Landlord wants to raise rent

Sixteen tenants believed that their landlord evicted them because they wanted to raise the rent and let the property to new tenants. One tenant was directly told by his landlord that he intends to increase the rent by £190 each month and because he couldn't pay the increased rent he would have to leave. Other landlords hinted that raising the rents was the motivation for the eviction.

In other cases, tenants had been informed that the landlord planned to sell the property, but they suspected that their landlords actually had plans to rent for a higher amount. They believed this was the case because they had been paying below market rents:

"He told us he was selling the property...but obviously £1,100 per calendar month in that area is quite cheap. So because it's gone up in pricing, he's going to put it in the rental market again, for a bit more than what he was getting. That's what we think anyway."

Female living with mother and brothers, aged 19

Another tenant suspected that his landlord plans to split his floor of the house to create three flats where there are currently two: he has already done this with the other floor of the house:

"The landlord wants to chop up my floor of the house into smaller units and charge more money."

Single male, 30s

Of the tenants who felt their landlord was evicting them to raise the rent, three tenants felt that their personal money spent renovating a property had been a factor in the landlord deciding to evict them, increase the rent and let to new tenants:

"We think the real reason to evict us was the [good] state of the house which we have left. We were expecting the baby, so we repainted everything, put new carpets down at our cost – we paid £870 [rent], the new tenants pay £1,100, she was able to rent it for more."

Couple, 30s

Landlord wants to sell or live in property

Thirteen interviewees had been told that the reason they were being asked to leave the property was because the landlord had plans to sell it or had plans to move back into the property themselves.

“They’ve sold the property... they’ve found a buyer, offer accepted.”

Couple, 20s

Revenge evictions

Ten tenants suggested that their evictions may have been retaliatory. Some of the tenants had raised maintenance issues directly with their landlord or agency and believed that the eviction notice has been served so that the landlord could avoid carrying out the repair work, and re-let to other tenants. In one case the tenant reported the conditions of the house to the council, who served a prohibition order because there were category 1 hazards within the property, and the landlord served the tenant with a Section 21.

“I asked the landlord, repeatedly, to fix these things – in the end, he served me a notice of eviction.”

Single male, 40s.

“When I spoke to my solicitor she said we probably have quite a strong case that this is a revenge eviction...They’ve told me to include the information about the prohibition order, and the fact that the eviction was only a couple of months after that was served.”

Single male, 30s.

Many of the tenants who suspected a retaliatory eviction would not have been protected by recent changes to legislation. Many had reported maintenance problems to their landlord verbally, and had not informed the council that the landlord had not dealt with the issues adequately. Further, where councils were involved, this had not necessarily resulted in an assessment or a notice being issued.

It was apparent from the interviews that a few tenants may have been viewed as ‘nuisance’ tenants by landlords or agents, either for the frequency of their communication with the landlord or estate agent, or the tone of these conversations. The poor relationship may have influenced the landlord decision to pursue a Section 21.

“They’ve refused me from going into the shop [letting agency] for being belligerent and I don’t believe I was being belligerent – I told him he was incompetent!”

Single female, 30s.

Rent arrears

Seven tenants believed that the Section 21 had been served because of rent arrears (the reasons for getting into rent arrears are discussed in detail below).

End of lease

Three social housing tenants were evicted through no fault evictions because the landlord’s lease with the housing association came to an end; another social housing tenant was evicted because she was unable to take over her ex-partner’s tenancy because she did not have indefinite leave to remain.

Anti-social behaviour

Two tenants believed that the landlord had served notice due to complaints of anti-social behaviour from neighbours (relating to issues such as noise and addictions).

Pre-empting arrears

Two tenants received a no fault eviction after a change of circumstances caused a drop in their income. In these cases, the tenants did not have rent arrears, but they believed that the landlord was anticipating that they would accrue rent arrears, and evicted them pre-emptively.

Other or no known reason

Seven tenants were either not able to suggest a reason why they had been evicted, or believed that serving a Section 21 was a personal decision taken by the landlord because they disliked them:

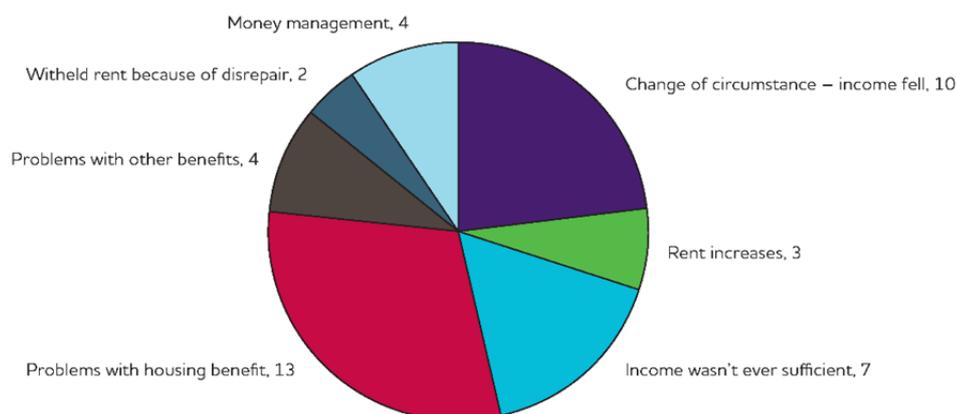
“They have it in for me. They just want me out, I don’t know what it is about me. I’m a good tenant, I don’t make any noise, I look after the place.”

Single male, 40s

Evictions for rent arrears

The main causes of rent arrears are shown in Figure 17. Thirty-two of the interviewees stated that they had been evicted directly because of rent arrears. In addition, four of the tenants who had been forced to move because of landlord intimidation had rent arrears, meaning arrears were a factor in 43 tenants’ forced move or evictions.

Figure 17: Reasons for rent arrears



Problems with housing benefit

A common stated reason for rent arrears was administrative problems with housing benefit causing a delay in payment; 13 tenants stated this as the reason for their rent arrears. Eight of these tenants stated that there had been problems or delays initially setting up their claim, which led to a gap in payment of housing benefit that was then not backdated, causing rent arrears:

“There was a piece of paperwork that I couldn’t get to them, I didn’t know where it was and it was difficult trying to get hold of it.... when I did eventually get it to them it still took them another three or four weeks to even look at my paperwork, and they only backdate a month.”

Single female, 20s

Similarly, there were sometimes long delays during an existing claim if paperwork regarding a change of circumstance had to be processed. Several mentioned inefficiencies in the process, including lost paperwork. Two tenants believed that their housing benefit claim was being processed but then found that there was no record on the system. Others reported that they had to put in repeated benefit claims or received incorrect advice.

There was a lack of understanding among at least two interviewees that it was their responsibility to keep the housing benefit office informed of changes of circumstance. One interviewee became unemployed but did not tell the housing benefit office, so continued to only receive a small amount of housing benefit. Another did not provide wage slips to let the council know that his hours had reduced, which caused rent arrears.

It is clear that mental health problems affected people's ability to understand the benefit system. One tenant suffered from extreme anxiety. Her housing benefit was paid directly to her housing association and should cover her full rent, but she received a notice of eviction. It transpired that the council had previously made an overpayment and was reducing her weekly housing benefit payments to reclaim this. The interviewee was unaware of this reduction until she visited the Shelter drop-in after being threatened with eviction. She had not understood that the overpayment meant she needed to make a payment to her housing association.

"I'm upset and shocked, because I didn't understand any of that to start with...I got the letter about the overpayment, but I didn't think that it would come directly out of my housing benefit that would affect my tenancy."

Single parent, female, 30s

Another tenant, who suffered from bi-polar disorder, explained that her housing benefit had been paid directly to the landlord for 11 years, but a few months ago the rent was suddenly paid directly to her. She did not remember being told about this, and was unaware because she does not manage her own finances as other people help her. This change resulted in her getting into rent arrears and receiving an eviction notice:

"I've filled in every form to show that I'm vulnerable – that I can't do it myself. After 11 years, why would they just start giving it to me – it's ridiculous."

Female living with partner and children, 30s

Problems with other benefits

Some rent arrears were caused by problems with other benefits which had an effect on housing benefit entitlement. This affected four tenants. For three interviewees benefit sanctions resulted in housing benefit being suspended, leading to substantial rent arrears.

Change of circumstances

Ten tenants had insufficient income to cover their rent because of a change in personal circumstances, often related to employment; some tenants had stopped work entirely, because of physical illness, mental illness, losing their job or having a baby. Two had got into rent arrears because of periods off work, because of personal illness or their children's illness:

"I paid it as much as I could, but my youngest child has been quite sickly...if my kids are sick I don't get paid."

Single parent, female, 20s

One tenant lost his job shortly before he and his partner had their first child, and was unable to buy the necessary equipment for the baby and continue to cover the rent on his reduced income:

"Because I lost my job four days before the baby was born – we had nothing at the time, so we used money that we probably shouldn't have used to go and get the stuff we needed."

Male with partner, 20s

At least three of the ten interviewees' rent arrears had arisen, in part, because of not claiming benefits they were entitled to, such as housing benefit and JSA, after losing their job.

One tenant got into rent arrears because of a reduction in benefits due to her daughter moving out. One tenant was concerned about the benefit cap; he had received a letter telling him that his total benefit income exceeded the cap, so his benefit would be cut by £50 a week. Two tenants' low incomes were related to visa restrictions – one woman had no recourse to public funds when her husband left her so she had no income except child benefit.

Income wasn't ever sufficient

Seven tenants were in properties where the level of rent had never been sustainable on their income:

“With the £50 a month [HB shortfall] coming out of the JSA – that's almost a week's money in itself – and then you've got the other bills...I just couldn't make it work. I had to choose, what do I pay this month – do I pay the rent? Do I pay the electricity? Do I buy some food? And it just snowballed.”

Single male, 40s

Money management

For four tenants, mental health problems caused difficulty with money management, resulting in rent arrears. This was likely to continue to be a problem in future tenancies. In some cases, mental health problems caused tenants to avoid communication with their landlord, in other cases tenants did not understand the implications of benefit changes.

Rent increases

In three cases, rent arrears built up when the landlord increased the rent, which then made it unaffordable for tenants. One landlord increased the rent to £675 a month when the maximum available housing benefit was £535. Another landlord increased the rent from £850 to £950. These increases changed the tenants' financial situations from having all their housing costs covered by benefits, to having a shortfall of more than £100 each month.

Withheld rent

Two tenants had got into rent arrears because they had withheld rent because of disrepairs. One female tenant deliberately withheld some rent payments because the property was in a state of disrepair. Her letting agent refused to fix the problem, and said they had not received any complaints, despite receiving correspondence from the council's environmental health department which gave a deadline to carry out the repairs. The tenant received an eviction notice, stating that she was in rent arrears of approximately £700.

It should be noted that some tenants disputed the amount of rent arrears claimed by their landlord. There were three examples of poor landlord practice, with very informal arrangements for the payment of rent or deposits. One landlord would only accept rent payments in cash, refused to provide a receipt and would collect the rent irregularly.

Evictions for breaches of tenancy or ASB

Some tenants were evicted because of a breach of tenancy. Nine tenants were evicted for anti-social behaviour including playing loud music, drinking, taking drugs and having parties. In almost all cases interviewees stated that allegations of anti-social behaviour were untrue. Some stated that false complaints were made by neighbours and the landlord did not verify these claims before evicting them:

“I was picked on by the neighbours because I sold the Big Issue...they put in complaints to the housing association. Apparently I was having parties, which I wasn't...apparently I was growing cannabis there, there was a big list...the manager sided with them and evicted me.”

Single male, 20s

Two of these tenants stated that the landlords themselves had made false allegations against them. One tenant's landlord alleged that they had class A drugs in the property. Another tenant's property was rented through a council scheme, and their landlord told the council:

“...that we wrecked the property and that we were antisocial and we were always throwing parties.”

Couple with children, 20s

Two interviewees were evicted for breaching their tenancy agreement by letting other people stay with them. One female in her 40s let her pregnant teenage daughter move into her room in a shared house because her father had asked her to leave his home. She was evicted using Section 21, she suspected because the room was overcrowded. Similarly, a man was evicted for letting his girlfriend and her three children stay with him in his studio flat.

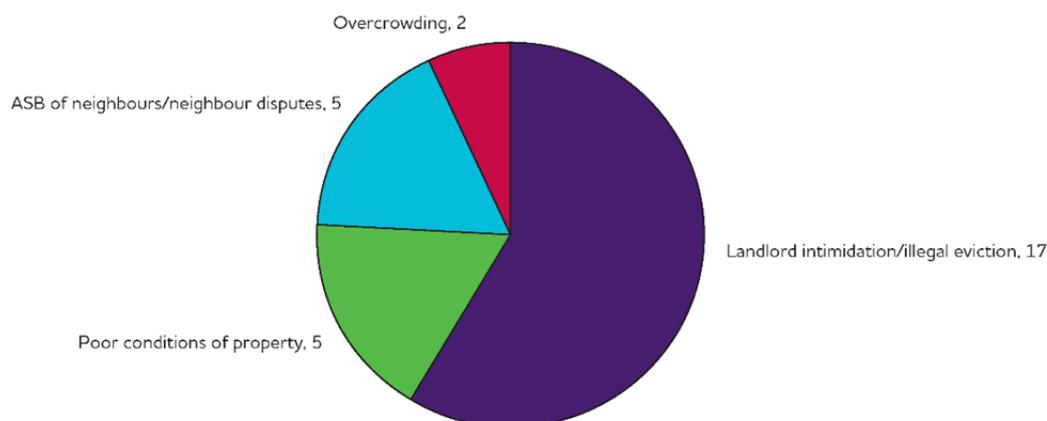
Evictions from temporary accommodation

Ten of the interviewees had only experienced evictions or forced moves from temporary accommodation, including temporary social housing, hostels and B&Bs. There were a range of reasons why people were evicted or forced to move from temporary accommodation, which were similar to the experiences of tenants in more long-term arrangements. Two of the interviewees were evicted because of rent arrears, one of which was due to problems with housing benefit. Two were evicted using Section 21: one did not know the reason, one because her landlord raised the rent and pre-emptively evicted her. One interviewee lived in a shared house and all the tenants were asked to leave because of anti-social behaviour (drug dealers turning up at the house). One interviewee was forced to move by social services, another said that the council discharged duty to her after five years. One was evicted from a hostel because he was deemed to have had stayed there too long, another said he was forced to leave a hostel as he was the only male there. The final interviewee did not know why she had been evicted.

Forced moves

The reasons for the forced moves are shown in Figure 18.

Figure 18: Reasons for forced moves



Landlord intimidation

Seventeen tenants had been forced to move, or were currently being forced to move, due to landlord intimidation. Eleven of these tenants had not yet left their properties but had been told either verbally or via text message or email that they would have to leave:

“The landlord just texted me and told me I’d have to leave tomorrow...it doesn’t seem very official.”

Single male, 20s

Several landlords were intimidating the tenants into leaving by entering their flat without giving them any notice:

“She’s got a key, she comes every day, she lives next door... I take a shower, she comes home, knocks on my toilet door and [shouted] ‘you look for flat! You need to move!’”

Single parent, female

Six of the tenants had already left their properties due to landlord intimidation. Of these, two families had left because they were verbally asked to leave by the landlord. Four tenants had had the locks changed on them when they were out of the property:

“I come back about an hour later and he [the landlord] has changed all the locks on the house, changed all the windows and put like a metal shield in front of the door.”

Single parent, female, 20s

Some tenants could not identify a reason for the landlord intimidation, but many identified possible reasons for the landlord wanting them to leave the property. Four of the tenants had rent arrears, one tenant had had a dispute with the landlord (over concerns a business was based at the property). Two of the tenants had handed in their notice and believe the landlord evicted them in fear they would not pay the remaining rent. In three cases the landlord had said that they were raising the rent, and then asked tenants to leave.

Some of the tenants had had ongoing issues with their landlords throughout their time in the property. The fact that this had not prompted them to leave earlier was clearly heavily influenced by their inability to find alternative properties. One tenant reported that her landlord had made false claims to the police about domestic violence by her husband; another female tenant reported that her landlord had been making inappropriate advances, despite her making it clear that she was not interested. She described this behaviour as ‘abusive’:

“I like you, I want to be with you’ – blah, blah, blah. I was just avoiding any contact with him. I had to literally block his texts and whenever there is any problem [with the property], I take care of it myself instead of bothering him – for years.”

Single parent, female, 30s

Poor physical conditions of property

Five tenants said they had left their property due to poor physical conditions:

“We had really bad damp problems, the plaster was all peeling off round the windows and ...they didn’t do anything about it. We’d had enough in the end, we decided to move out.”

Couple with children, 20s

A single tenant in her 20s decided to leave her property because part of her ceiling fell down. The letting agent refused to do any repairs, so she was forced to move. “I feel I don’t really have any other choice.”

A single female in her 50s was forced to move because of fears about the safety and security of the property. The front door was very old and, in damp weather, would swell up so it was almost impossible to open, so she was afraid of becoming trapped. She also had two attempted burglary attempts, and decided she could not stay in the property because of her level of fear.

It should be noted that over a third of tenants (around 51 interviewees) described poor physical conditions in the property they were living in, or had recently left, but these poor conditions were often not sufficient to force a move. Arguably, in a better functioning housing market with adequate housing for the number of households, households would not have remained in properties in these conditions. There were some examples of properties that were clearly uninhabitable. One interviewee had extreme disrepair in every room of her property:

“The ceiling fell through on my little boy in his cot...the back wall in the kitchen was all mouldy, the bath fell off the side of the wall and it was leaking; my toilet didn’t even flush. The lights weren’t working. The polystyrene ceiling tiles were mouldy and they were falling down and they were breaking, it just wasn’t nice at all.”

Single parent, female, 20s

The property one interviewee had been renting failed an inspection by environmental health officers because of its size:

“It’s been permanently condemned. The environmental health officer condemned it instantly – it’s too small and there’s no cooking facilities, no storage – it’s one tiny room with a sink in the corner and a small adjacent room with a shower and a toilet.”

Single male, 40s

It should be noted that in most forced moves the tenant still has some control over the timing; some of the interviewees were waiting to find alternative accommodation.

Disputes with neighbours

Five tenants were forced to move from their property because of ongoing neighbour disputes with causes including anti-social behaviour, arson, assault and damage to the property. The disputes had escalated to a point where some tenants felt they had no choice but to leave their homes.

What can help prevent people losing their home?

Preventing rent arrears: changes to housing benefit

Several interviewees were critical of the policy of paying housing benefit to the tenant, and suggested that all tenants should have the option of benefit being paid directly to the landlord. It was suggested that this would prevent some people building up rent arrears:

“They pay the rent directly to the tenants, which is a stupid thing when you’re on a low income because it causes people who are in debt to make bad decisions.”

Couple with child, 20s

“A lot of people can’t do simple budgeting; they don’t have the capacity.”

Single female, 50s

Preventing rent arrears: improved joint working between government departments

Some of the interviewees suggested that there should be better communication between different government departments, in particular an ESA or JSA sanction should not result in a tenant's housing benefit claim being cancelled. This would prevent those evictions caused by problems reinstating housing benefit after it has been cancelled.

Preventing rent arrears: discretionary housing payments

Discretionary housing payments (DHPs) can extend the amount of time tenants can remain in properties without getting into rent arrears. One tenant received a DHP to make up the difference between the local housing allowance and her rent, so helping her stay in her home. In another case a tenant received a DHP for three months after she had to stop work because of a mental health condition. Her property was completely financially unviable without employment; the top up between her rent and the LHA rate was £1,200 a month. However, 18 months after the discretionary housing payment ended she had still not got another property. Because of her mental health problems, she was only looking to rent in the immediate area which was extremely expensive. Clearly discretionary housing payments can be effective in preventing rent arrears, but more support is sometimes needed.

Communication with landlord

Some tenants shared positive experiences of delaying or preventing an eviction or forced move, when they had rent arrears. There were examples of tenants explaining the situation to their landlords, either individually or with the help of Shelter or other support agencies, and the landlords being flexible. One tenant of a private landlord had become self-employed and his housing benefit had stopped while the council recalculated what he was entitled to. The landlord put an eviction notice on his door but the tenant managed to negotiate to stay, by persuading the landlord he was reliable and responsible.

Shelter

Shelter provided support for tenants in resolving problems with the benefits system and persuading landlords to let tenants stay in the property. One tenant with a very complex life found managing the different facets of the benefit system extremely difficult. She had six children, three of whom had physical or mental health conditions. Some of her children were taken into care. She missed a medical assessment for an ESA claim because it clashed with a court appointment involving social services and her children. The sanction resulted in her housing benefit being stopped, and she nearly lost her home as a result:

"[If it wasn't for Shelter] I would have been evicted... because I wouldn't have known, there was too many people – I'm not very good at talking on the phone. At that point I wasn't talking to anyone on the phone I wasn't talking to anyone in person. Shelter came to every [housing] meeting that I had."

Single parent, female, 40s

There were several examples of Shelter speaking to the council to reinstate tenants' housing benefit, and to request backdated payments where necessary. There were also some examples of Shelter speaking directly to landlords on behalf of tenants.

In cases where private landlords were serving Section 21 notices, Shelter was able to provide guidance to tenants on the correct eviction process and highlight any areas where this had not been adhered to. Some tenants had received advice from Shelter about evictions that were invalid because their deposits had not been protected. Highlighting invalid section 21 notices would not prevent the tenants from losing their accommodation indefinitely, but in some cases tenants believed it would delay their eviction or result in them receiving compensation

Raising awareness of available support

Several tenants suggested that more awareness was needed about the type of help that Shelter could provide. There was a misconception among a few interviewees that the charity only provided support to people once they had already lost their home:

“I just thought of this as being a place for once you were homeless.”

Single female, 50s

Shelter staff reported that tenants usually approach them late in the eviction process – often just before the bailiffs are due.

One tenant shared a positive experience of reversing her housing association’s decision to evict her for rent arrears caused by problems with housing benefit, by involving her MP. More awareness of the sources of support available could help tenants prevent their forced move or eviction.

4 Evidence from the interviews: The experiences of evictions and forced moves for people in or at risk of poverty

Eviction proceedings

Some tenants reported difficulties around receiving the possession notice. Some tenants stated that the landlord had not sent one, so the first they knew about the eviction was the court order. Other tenants had had a delay in receiving the notice, either because they had been away from home, or because of difficulties receiving post: two tenants reported that the notices had been delivered to the wrong address and not passed on. A few tenants suggested that the landlord had deliberately dated notice letters incorrectly, to suggest that tenants had received them earlier. In these cases, the notices were hand-delivered so there was no way for tenants to prove the date they had received them. There was a degree of confusion among several interviewees about the legal process and the notices they had received.

Finding a new home

Tenants' approach to looking for accommodation differed depending on their situation and past experience. Some tenants were facing an imminent eviction but had not started looking for alternative accommodation as they knew that they would not be able to meet the conditions of private rented properties. Other tenants were extremely proactive in their search, despite frequent refusals.

"I send four, five emails a day, and they're always 'no housing benefit'. I'm on Rightmove, Gumtree...and I email literally every single letting agent."

Single female, 30s

Many tenants reported that their current attempts to get a private rented property were far more difficult than previous experiences, because of problems of affordability and stricter landlord requirements. Most tenants had spoken to their local council before speaking to Shelter so knew whether they were likely to get support from them or not. Those who would meet the council's criteria for priority need were mainly in the position of waiting until the bailiffs came, so they would not be classed as intentionally homeless; this was described as an extremely stressful experience.

Barriers to private rented sector

Unaffordability

Many tenants struggled to find any accommodation that was affordable, because most interviewees were receiving housing benefit and housing benefit rates would not cover market rents even at the very bottom of the market. For many tenants there was a large gap between the amount they received in housing benefit and the rent required on any property, whatever the quality.

Agency fees were also reported as a large barrier to finding accommodation⁸.

“It is too expensive... £120–£135 a week. Housing will only pay £65 so I don't know where you're meant to get the other £65 from.”

Single man, 50s

“We've been looking, but everything is so expensive it's unreal... its £3,000 upfront...the rent per month is not the problem, it's all the agency fees and the council won't help us with any of it.”

Couple with children, 20s

Deposit

Many tenants said they couldn't pay the large amount of money required upfront to cover the deposit and rent in advance, and did not have any means of borrowing this. Some of these tenants were expecting the deposit to be returned to them from their current property, but didn't think they could pay the next deposit before that one was returned. A few tenants were being evicted from social housing so had not paid a deposit. The majority of tenants affected were in private rented accommodation where the landlord would not be returning the deposit in full, due to rent arrears or maintenance issues. Several tenants were claiming their deposit was being withheld unfairly. It was not universal for deposits to have been protected in tenancy deposit schemes, despite this being the law.

Some tenants borrowed money from family or friends to cover the deposit, but several were reluctant to do this because there were on very limited incomes and didn't think they would be able to pay it back.

One tenant referenced the abolition of the discretionary social fund:

“I'm in a no-win situation because I haven't got my deposit, so then I'm stuck. Where do I get that from? I can't get a loan any more, they don't issue loans at the dole office any more, they capped all that. So where do I go?”

Single man, 50s

Landlord or agency conditions

It was clear that agencies could be extremely selective about the tenants they rented to, and that many of the interviewees were not viewed as desirable by most landlords and agents. In all areas, agencies and landlords were reluctant to take people on housing benefit. The implication was that this group were seen to be higher risk.

In addition, many tenants shared experiences of landlords only accepting tenants who were working, sometimes with high income requirements. In one area agencies were cited as requiring incomes of £35,000 a year. Other tenants highlighted problems around getting references, identifying guarantors and passing credit checks. Some landlords and estate agents would not accept children. One tenant suggested that a barrier to private accommodation was that agencies would not accept the council deposit guarantee scheme.

“They won't take anybody who's with DSS, they won't take anyone who's got children, it's purely professional people only, so what is available out there nobody who is not working can qualify [for] – so where are we supposed to go?”

Single parent, female, 50s

“Every time I think I've got a guarantor the estate agents change the criteria for what a guarantor should be. So you find a guarantor that's got a salary, a good credit rating, owns their own house and then they go 'no, they've got a mortgage, you have to find somebody who's mortgage-free'.”

Single parent, female, 50s

Other barriers to the PRS highlighted by the interviewees were alleged racism of potential landlords, and tenants' medical needs making it difficult to find suitable properties. A few tenants reported that landlords or estate agents had higher requirements for potential tenants receiving housing benefit compared with other potential tenants.

Preference for social housing

A final barrier to finding private rented accommodation was the worry of losing entitlement to social housing. This was in response to experiencing the insecurity of private rented accommodation in the past.

"If I go into private I might lose my council points, and then I'd be in the same thing again – they'd kick me out of there, I'd have to go into homeless again, then into temporary."

Couple, 50s

People were willing to put up with very bad conditions in the short to medium term, in order to get council housing in the long term. One single parent facing eviction was planning to sofa surf with her young son because she believed this would give her the best chance of getting social housing. She believed she has been told by the council that she would be allowed to remain on the waiting list for longer, without having to accept a PRS place, if she was not in temporary accommodation.

"[The council] said 'you've got two choices – privately rent and we'll give you the rent and deposit or you can go down the homeless route' and I thought, I haven't got anything to lose, I might as well go down the homeless route because, if I can get security for my son, that's what I want more than anything in the world."

Single parent, female, 30s

Reluctance to move out of area

Many interviewees expressed anxiety about moving to a new area. In particular interviewees were worried about losing their jobs, losing the support of local social networks, and having to change their medical services or their children's schools:

"I have friends here, sometimes they can help me with my children, if I go to the hospital with my husband maybe they can pick them up, babysitting, or doing some shopping for me...If I move somewhere else I won't know anybody there."

Couple with children, 30s

"To re-start again is impossible for me because the only team that know my medical needs are the hospital I am currently in."

Single parent, female, 50s

Some tenants did not think that moving area would help them, as they believed their current location was already located in '*one of the last-resort places*' (single man, 40s). Some tenants shared stories of dramatically restricting their search for private rented accommodation, only looking within a very small, expensive area. Others were being more flexible with their accommodation search.

Barriers to permanent social housing

The circumstances of some tenants' forced move or eviction meant they were not eligible for social housing because they were deemed 'intentionally homeless'. Other tenants were deemed not a priority need, or not to have lived in the area long enough to have a 'local connection'. A few tenants were ineligible for social rented properties because their level of rent arrears on previous social rented properties were too high.

The allocation of social housing based on 'priority need' resulted in a feeling among some interviewees that they needed to prove they were more desperate than other people, which did not help them in recovering or overcoming their issues. One tenant who had severe mental health problems had made a lot of progress with her condition, but felt that this improvement meant she was less eligible for support, and she would get more help if she were *'having panic attacks out on the streets'* (female living with partner, 30s). Another tenant argued that there needed to be more support during transition periods:

"When I was in addiction I was considered vulnerable so I was given all the support I needed. The minute I got into recovery and I became independent it's like 'ok, we're not doing nothing for you now'."

Single female, 50s

Some tenants struggled to understand the correspondence from the council telling them about their lack of eligibility for housing, because the council used very complicated language.

"All they've done is just given psychobabble now, it just doesn't make any sense."

Single female, 30s

Many tenants were on the council waiting list but were a low priority and were likely to remain on the list a very long time. Many tenants were choosing to look at properties within the PRS because of the length of the wait; some were being offered financial help from the local authority if they took this option.

Four tenants were offered social housing properties out of area, which they refused. A family in Hackney was offered five properties in various locations across the country: Luton, Essex, Shropshire, Bournemouth and Southend. A family in Colchester was offered a property in County Durham, but didn't want to move that far.

Some social housing tenants were reluctant to move relatively small distances, to different neighbourhoods of the same city, which were viewed as undesirable.

"They phoned me and said why haven't I bid on anything. Because I don't want to move seven miles away to a really poor community and an area unfamiliar to me, there's been nothing for me to bid on."

Couple with child, 30s

Outcomes for tenants unable to secure permanent housing

Of the 145 tenants interviewed, 43 had either been forced to move or had been evicted and had not yet secured permanent housing. Eighteen of these tenants were currently homeless, of whom ten were street homeless, six were sofa surfing and two were staying with family or friends in a more stable arrangement. A further 24 tenants who had not yet secured permanent housing were in temporary accommodation organised by local authorities.

Temporary accommodation experiences

Several tenants described difficult living conditions in temporary accommodation including overcrowding. One couple and their three children were housed in a studio flat. Another young woman spoke of living with her mother and two siblings in a room in a B&B where the lack of space was causing strain between family members:

"It's all of us in one room, you can imagine the tension.... everyone's snapping because they don't have their own personal space ...it's just a room with two beds. My little brother has to do his homework on the floor."

Female, under 21

A few tenants spoke about the lack of cooking facilities in temporary accommodation making it hard to prepare proper food with only a microwave. Several tenants spoke about feeling extremely unsafe in temporary accommodation due to their neighbours:

"I've been threatened with a knife... in front of my children. Another lady they put in there...she is an alcoholic, she threatened to burn the place down with everybody in it."

Single parent, female

"We hardly stay here because it's such a nightmare. I actually slept in the car some nights, when it's been unbearable."

Couple and child, 50s

For those not receiving full housing benefit the cost of temporary accommodation was a big concern. One couple were in full-time work and were placed in temporary accommodation with their two children, and found the cost difficult to manage.

"We're paying £1,000 a month for a room! And that's a shared kitchen, shared bathroom."

Couple and children, 20s

Evictions from temporary accommodation

Several tenants were housed in temporary accommodation while the council assessed their homelessness application, but were evicted from temporary accommodation when they were found to be intentionally homeless or not priority need. These tenants were often given very little notice of their eviction; less than one week for one tenant.

Informal arrangements

A few tenants who could not get permanent or temporary accommodation, were able to stay with family or friends. Such arrangements were often precarious; one tenant split her time between her friends' homes and her boyfriend's. She was not allowed to stay with her boyfriend because of his tenancy:

"My boyfriend sneaks me in when he can, and I have a couple of friends who let me sleep on their sofas."

Single female, 30s

The vast majority of tenants did not have any friends or family they could stay with. The main reason why tenants could not stay with friends or family was lack of space. This was particularly a struggle with large families:

"Maybe I can fit one of my kids somewhere, another in another place, but all the family together is impossible, you'd have to find someone with six bedrooms!"

Couple with children, 50s

Some friends and families had accommodation where they could not have guests, and interviewees were concerned that staying with them would put their tenancies in jeopardy. These concerns were not unfounded; several tenants interviewed had been evicted for letting people stay in their properties. One

tenant was worried about staying with her daughter's family because of the implications for her daughter's benefits:

"If they find out I'm staying with her they'll cut her benefit so that's not good for her either – so how can I win?"

Female living with partner, 50s

Street homelessness

Ten interviewees were street homeless as a result of forced move or evictions. Five of these had moved straight from a tenancy with a private landlord to street homelessness, three had been placed in temporary accommodation, then become street homeless, and two had become street homeless after being asked to leave by friends or family. Three of the ten tenants had been forced to move by the landlord changing the locks when they were out of the property.

Tenants shared how difficult it was to find new housing when you were street homeless, because it made claiming benefits difficult, and because, if they had problems with drink or drugs, they were more likely to relapse if they were street homeless:

"I couldn't stay clean because I was on the street...the only people you can associate with on the streets are people who are high as kites – you've got no chance!"

Single male, 30s

Having lost their homes through eviction or a forced move, it was unclear how long this situation would last or how people would find a route out of street homelessness.

The impact of eviction or forced move

Health problems

A high proportion of those interviewed suffered from health problems, which affected their experience of the forced move or eviction. Some tenants described how they couldn't cope as well with the forced move or eviction because of pre-existing health conditions:

"My health's pretty rubbish at the moment and it feels massive – moving and packing and finding somewhere – it just feels impossible. It's just because of how rough I feel; it feels like an immense mountain at the moment."

Single female, 30s

"I think that for a person of normal mental health, to receive an eviction order can be stressful, but if you have a personality disorder...it's utterly destabilising... I have to deal with all this stuff on my own like making appointments and stuff. If I could make appointments, I wouldn't have a mental health problem!"

Single male, 50s

Other tenants said that the experience of the forced move or eviction, or the precarious housing arrangements that resulted from this experience, worsened existing health conditions. These included physical health conditions, mental health conditions and addictions. For a few tenants the experience was causing suicidal thoughts or actions.

"It's stress, I just want to kill myself. I used to take a lot of tablets, and be in the hospital most of the time. Lately I just feel like this again."

Single female, 50s

“[The NHS] can’t give me my operation...because it’s unsuitable where I am. They cancelled my operation... until the housing move me asap. That’s delaying my situation.”

Single parent, 50s

“I’ve just got pressure on my mind the whole time, where am I going to go? What’s going to happen to me? ...I tried to do away with myself three or four times because I didn’t know what way my life was going to go.”

Female living with partner, 50s

“I’ve been in the hostel with no support, it really increased my drinking. It made me get depressed about a lot of things because of my environment, the people around me, a lot of real hardcore druggies and real hardcore alcoholics and ex-offenders just coming out of prison.”

Single man, 50s

A third group of tenants were experiencing health problems for the first time due to the stress of the eviction of forced move:

“When I got the first eviction notice I didn’t sleep for four days.... I developed some kind of anxiety – I was shaking – and I’ve never had an illness in my life – and then suddenly my hands were shaking like I’m detoxing or something – because of stress.”

Single man, 40s

“I was quite healthy before I moved in there but since I’ve moved in [to temporary accommodation], with the knife attack, I’m now depressed.”

Single parent, 40s

“I’ve had a mental breakdown... I just started crying all the time – two or three times a day everyday – sobbing, crying, with no hope. Thoughts of suicide in my head...It’s put me under stress – unbelievable stress – it feels like someone’s punching something on my head, pushing it down.”

Single man, 40s

Effects on children

The experience exacerbated existing physical or mental conditions for some children:

“You’re moving away from your friends and family and things that you normally do...and then because my son’s autistic he finds it a lot harder than anyone else to settle in.”

Single parent, female

“My child – he’s autistic – and this situation didn’t help at all... He’s been very worried – it’s affected him at school, behaviour, so many things, believe me.”

Single parent, female, 30s

For other children and young people, the experience had an impact on their wellbeing. The teenage daughters of two tenants were displaying mental health problems: one was self-harming, the other was receiving therapy at school because she was ‘*quiet, not talking*’. Both were being bullied at school. The teenage son of another tenant who had been placed in temporary accommodation was showing increased problematic behaviour: stealing, drug-taking and repeatedly running away from home. The 12-year-old son of another interviewee was displaying problematic behaviour at school, which the interviewee attributed to the stress of the move:

“He gets angry, kicking – they feel he’s been misbehaving.”

Single parent, female

Two tenants said that their children had been taken into the care of relatives or social services because of the forced move or eviction, and others understood that this could happen in the future:

“I lost my son because I had no home for him, he went to my mum’s. He’s now living there permanently.”

Single female, 20s

“I’ve already spoken [to the council] about it and basically they’ve made me aware that if I become homeless they’ll take my child away from me.”

Female living with partner and child, 30s

The adult children of a few tenants returned to the family home to contribute financially because of the threat of a forced move or eviction. The son of one interviewee was giving up his university course:

“My son has to drop university and go and find a job, only to help me with the accommodation, which I think is unfair.”

Single parent, female, 40s

Other impacts of forced move or eviction

Another result of forced moves and evictions identified by tenants was the loss of possessions. Tenants who were illegally evicted described losing all their possessions because they were locked inside the property; other tenants had to get rid of their possessions to move into temporary accommodation.

A final impact of forced moves or evictions was on people’s employment. Tenants had to take time off work to attend appointments, and the stress of moving prevented some from working. Some tenants were worried this may result in them losing their job:

“Today I lost one day of work, if I have to look for somewhere to live and then move I will lose other days for work and lose more money, my manager won’t be happy.”

Female living with partner, 19

What helps tenants secure permanent accommodation?

Some tenants had been helped to get private rented accommodation through their local authority. A few had benefited from negotiated access schemes where the council had paid a lump sum to private landlords to accept them as tenants. These had been successful in securing properties, but one tenant was evicted at the end of the protected period.

Several tenants had secured properties using rental deposit schemes. Experience of using these schemes was most prevalent among interviewees at the Bournemouth Shelter office. Several tenants that had used rental deposit schemes had successfully repaid the full amount:

“They’ve done it for me twice before and I paid it all back, I don’t owe them any money.”

Single man, 30s

There was some evidence of co-operation between housing departments and social services: one female tenant was evicted through Section 21 and placed in a B&B. Her housing benefit did not cover the full cost of this, so social services paid the shortfall. Social services also told the tenant they will continue to pay a top-up when she secures a private rented property.

One tenant was helped in his property search by one London council giving him a list of landlords or agents who would accept housing benefit. This practice did not occur in all areas, and other interviewees suggested this would be useful:

“If they could give you a website or even a booklet or brochure of different companies to contact that take housing benefit, even if it was just like three or four companies, at least you’d have another means and a way... they keep everything hush-hush, but yet I know the council do know people that take housing benefit.”

Single parent, female

5 Conclusions and recommendations

Conclusions

This study highlighted the issues around living in, and leaving, properties at the lower end of the PRS. The experiences were characterised by poverty, lower quality housing and poor landlord behaviour. The experiences are not reflective of the whole PRS, but they clearly suggest that the lower end of the housing market is dysfunctional, with the balance of power in favour of the landlord.

Landlords can be very selective about who they allow in their properties, and have no problem finding tenants in high pressure markets. The result is that landlords can exercise their rights to evict a tenant, but tenants are constrained to remain in low quality housing.

While the evidence here is from the perspective of the tenant, it did suggest that there were some rogue landlords in these areas with very poor quality properties and poor landlord behaviour, including intimidation and illegal eviction. Other landlords were acting within the legislation for terminating tenancies, but often these landlords also had low quality properties and practices, albeit operating within the legal framework.

The lower end of the PRS is being put under pressure from the competing political agendas of reducing housing benefit costs and driving out poor practice in the PRS. The impact of this squeeze is being felt by low-income tenants who are trying to get affordable housing in the PRS.

In addition, LHA rates were insufficient to enable low-income households to find alternative accommodation if they lost their home, and landlords in high pressure markets were refusing benefit claimants, causing homelessness.

The experience of forced moves and evictions were extremely stressful for low-income households as they struggled to find alternative properties due to being undesirable to private landlords, and were often unable to get social housing.

The research provides clear evidence that the increasing eviction rates are linked to the overall growth of the PRS and to cuts in LHA. While the greatest impact is being felt in London, similar issues were also found in other high-pressure markets. The continuing programme of cuts and restraints on state aid with housing costs is going to intensify this pressure, particularly in a context where general inflation is starting to pick up as a consequence of exchange rate movements.

Policy recommendations

This research suggests that the lower end of the housing market is dysfunctional; without a dramatic increase in supply or fundamental rebalancing of incomes and rents, low-income households are vulnerable to evictions and forced moves, and unable to find alternative accommodation even in situations where they would very much like to leave their current home. The freezing of Local Housing Allowance has caused it to fall very much below rents, causing low-income tenants to face eviction and unable to afford alternative accommodation.

The following policy and practice recommendations do not address this key imbalance, but may help to mitigate against some of the worst effects.

Policy

- **Government should re-peg Local Housing Allowance limits to the 30th percentile.** The housing benefit market is not attractive to landlords, and a key reason for this is that rates do not cover the rent (risking rent arrears). In most areas this means landlords are turning to alternative markets. It is increasingly difficult for housing benefit recipients to find landlords who will accept tenants in receipt of housing benefit. This is an important equity issue; people on low incomes receiving housing benefit are facing discrimination because of poverty. The amount many tenants receive in housing benefit is substantially below the amount needed to rent any local properties.
- **More social housing needs to be built** to cope with demand from low-income households who need housing at below market rents. Many very vulnerable people who rely on the private rented sector would also greatly benefit from the secure housing and landlord support available in social housing.
- **A more joined up approach is needed for private rented sector policies,** as it is not possible to both drive out poor standards and at the same time reduce housing benefit. Tenants in poverty in high demand areas are being squeezed between these demands.
- **Sanctions to other benefits should not affect payment of housing benefit.** There is often a delay reinstating housing benefit after a sanction to another benefit, which can lead to rent arrears and eviction. Any sanctions to Universal Credit should leave the housing component unaffected.
- **Maintain (and strengthen) the option for people to have their housing benefit paid directly to their landlord.** This should be an option for all tenants, not just the most vulnerable.
- **Consider amending the Homelessness Reduction Act, to remove the rights of local authorities to require tenants to remain in homes after their notice has expired.** Forcing tenants to remain in housing they know they will have to leave is extremely stressful, and deters landlords from letting to low-income households.
- **Investigate the reasons for delays in the court processes for eviction.** Reducing the waiting time for landlords to be granted possession could make tenants receiving housing benefits less of a 'risk' to landlords, and also reduce the period of uncertainty and stress faced by tenants who are being evicted. Further research is needed to establish why there are delays.
- **Evaluate the outcomes of the new legislation in Scotland to remove 'no-fault' evictions** and assess what lessons can be learnt for England with a view to following the Scottish model if it does not cause a major reduction in lettings.

Practice

For government:

- **The government should produce a booklet about the eviction process for tenants when an eviction notice is served by the landlord.** This could provide basic advice explaining the grounds for eviction and tenant rights, and signpost to advice agencies.
- **The government should provide clearer advice to tenants (via council's websites and the 'how to rent' booklet) regarding revenge evictions.** The advice should include greater information on how to report maintenance issues to the landlord, when to involve the council and when the law will protect against a revenge eviction. There is evidence of good practice from some councils (such as Tower Hamlets), with clear instruction and draft letters to landlords, which could be standardised across England.

- The booklet *How to rent: the checklist for renting in England* should be given to prospective tenants through letting agents and local authorities at the start of the process. It provides useful advice for property searching, which may be missed if it is received once a tenancy agreement has been signed.
- The government should explore prospects for developing the landlord-to-landlord sales market, with sitting tenants, possibly with the use of incentives such as stamp duty exemptions. Tenants are usually evicted from the property if the landlord wants to sell, even though the property may be bought by another landlord.

For local authorities:

- **Improve communication with tenants and housing benefit recipients.** Letters should have a clear summary sentence at the start, highlighting what the content means in plain English. Example phrases to use could be written in conjunction with organisations working with people with mental health issues or learning disabilities or those promoting the use of plain English.
- **As we move to Universal Credit, ensure that copies of letters sent to claimants can, with the permission of the recipient, be sent to a caseworker or relative** who can offer support. This is a low-, or no-cost addition (especially with the use of email).
- **Ensure that tenants under notice are helped whenever possible to find new housing, without having to wait for bailiffs.** The Homelessness Reduction Act strengthens their rights to receive homeless prevention support during this time, but does not afford them full homelessness duties.
- **Avoid the use of 'sweeteners' to private landlords to accept tenants.** These should only be used where there is a long-term plan for how the tenant will afford the rent, or for long-term tenancies, such as five or more years.
- **Provide tenants being faced with a forced move or an eviction with an up-to-date list of local agents and landlords who accept tenants receiving housing benefit.** Such lists need regular updating.
- **Explore options for a deposit scheme to address the issue of deposit overlaps.** The need to pay a deposit before the one on the current home is returned is a barrier to finding accommodation. Schemes to offer short-term loans or guarantees to landlords could be run by local authorities or voluntary sector organisations.

Notes

- 1 See <https://news.rla.org.uk/landlords-face-tax-bombshell>
- 2 See [http://media.shelter.org.uk/home/press_releases/true scale of revenge evictions exposed by shelter investigation](http://media.shelter.org.uk/home/press_releases/true_scale_of_revenge_evictions_exposed_by_shelter_investigation)
- 3 Source: ONS
www.ons.gov.uk/economy/inflationandpriceindices/bulletins/indexofprivatehousingrentalprices/2015-10-29#great-britain-rental-prices
- 4 www.insidehousing.co.uk/councils-spend-18m-on-sweeteners-for-private-landlords/7009703.article
www.theguardian.com/society/2015/apr/17/councils-pay-private-landlords-up-to-4000-to-house-tenants
- 5 www.bbc.co.uk/news/business-37254670
- 6 www.rla.org.uk/documents/download.shtml?pid=2807&v=3296a27ed4b85392a08a78da2896e813
- 7 It should be noted that interviewees were frequently unsure about the type of eviction their landlord was pursuing. Cases were only recorded as a 'no fault eviction' when interviewees were sure that this was the route being taken. For this reason, some of the cases recorded as 'rent arrears eviction' or 'breach of tenancy eviction' may be those where the landlord is pursuing Section 21 but the tenant was not aware of this, or it was early in the process and the formal grounds were not yet clear.
- 8 The proposed ban on agency fees, as mentioned in the 2016 Autumn Statement, could potentially help reduce this issue in the future.

References

- Bibby, J (2016) New research: give English renters control over their lives by learning from our neighbours. Shelter policy blog. Available at: <http://bit.ly/2mJQxjY> (accessed on 2 March 2016)
- Chamberlain, C and Johnson, G (2013) Pathways into adult homelessness. *Journal of Sociology*, 49(1), pp. 60–77
- Chartered Institute of Housing (2014) New approaches to fixed term tenancies. Supporting organisations to pioneer new ways of working and review current and emerging practice. Coventry: Chartered Institute of Housing
- Crisis (2010) Housing: The private rented sector. London: Crisis. Available at: www.crisis.org.uk/data/files/publications/Private%20Rented%20Sector%20Briefing.pdf (accessed on 2 March 2016)
- Crisis, Shelter, Citizens Advice and the Chartered Institute of Housing (2009) A private matter? Private tenants: the forgotten victims of the repossession crisis. London: Crisis. Available at: www.crisis.org.uk/data/files/publications/A%20private%20matter.pdf (accessed on 2 March 2016)
- Department for Communities and Local Government (2015a) Continuous recording of social housing lettings and sales (CORE), 2007/08 — 2014/15. Available at: <http://dx.doi.org/10.5255/UKDA-SN-7603-5> (accessed 20 December 2016)
- Department for Communities and Local Government (2015b) English Housing Survey, 2013 — 2014: household data. Available at: <http://dx.doi.org/10.5255/UKDA-SN-7801-1> (accessed 20 December 2016)
- Department for Work and Pensions (2015) Welfare Reform and Work Bill: impact assessment for the benefit cap. London: Department for Work and Pensions
- Kennedy, S, Wilson, W, Apostolova, V and Keen, R (2016) The benefit cap: Briefing paper. London: House of Commons Library
- Ministry of Justice (2015) Mortgage and landlord possession statistics: quarterly national statistics on possession claims actions in county courts by mortgage lenders and social and private landlords [datasets]. Available at: <http://bit.ly/2lW7x3B> (accessed 15 December 2016)
- Pennington, J. (2015) Renters at risk. London: Shelter. Available at: <http://bit.ly/2m81JWF> (accessed 29 February 2016)
- Pevalin, DJ (2009) Housing repossessions, evictions and common mental illness in the UK: results from a household panel study. *Journal of Epidemiology and Community Health*, 63(11), pp. 949—951
- Rugg, J (2008) A route to homelessness? A study of why private sector tenants become homeless. London: Shelter. Available at: <http://bit.ly/2md3jHk> (accessed 29 February 2016)
- Shelter (2016) Research report: survey of private landlords. London: Shelter
- Tinson, A, Aryton, C, Barker, K, Born, TB, Aldridge, H and Kenway, P (2016) Monitoring poverty and social exclusion 2016. York: JRF
- Wallace, A and Rugg, J (2014) Buy-to-let mortgage arrears: understanding the factors that influence landlords' mortgage debt. York: University of York and Lloyds Banking Group
- Warnes, A and Crane M. (2006) The causes of homelessness among older people in England. *Housing Studies*, 21 (3), pp. 401—421

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