

Housing in the PRS - Addressing Health Inequity

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What I will cover

- Why housing is important in addressing health inequity
- The PRS context
- Use of Part 1 of the 2004 Act
- Deregulation Act 2015 and retaliatory eviction
- Changes in the Housing and Planning Act 2016
- Some potential & further changes in the law

Health Inequity

- Equity is the absence of avoidable or remediable differences among groups of people whether those groups are defined socially, economically demographically or geographically
- Health inequities involve more than inequality with respect to health determinants, access to resources needed to improve & maintain health or health outcomes, it is also a failure to avoid or overcome inequalities that infringe on fairness and human rights norms (WHO)

Good health starts at home

- The home is the main setting for our health throughout our lives – it is fundamental to our health
- Housing is a social determinant of health - the “conditions in which people are born, grow, live, work and age, including the health system” (Marmot)

The PRS – some facts

- 2015-16, 4.5 million households were renting in the private sector (second largest tenure)
- Proportion of 25-34 year olds living in sector increased from 24% to 46% since 2005
- Proportion of households with children now 36%
- In 2015-16, 21% of private renters were dissatisfied with their status
- When asked about most recent move 11% had moved as landlord or agent ended the tenancy

The PRS – some facts

- In 2015-16, 23% of households included at least one member with a long-term illness or disability
- On average, households in the private rented sector spent 35% (including Housing Benefit) of their income on rent
- End of AST primary reason for homelessness (32% according to NAO)
- In 2015, average SAP in PRS was 60 (but 298,000 in Bands F&G)
- 28% of private rented homes failed to meet the Decent Homes standard in 2015 (0.795m with any Cat 1 hazard – 0.229m Excess Cold) (EHS)

Use of Part 1 of the 2004 Act

- From previous Fol surveys by Karen Buck MP – relatively little enforcement by LA.s under Part 1 in 2013-14
 - Median no. inspections in PRS = 98
 - Median Cat 1 D&M = 5
 - Median Cat 1 Excess Cold = 16
 - Median Cat 1 Falling hazards = 5
 - Median no. Improvement Notices = 6
 - Median no. Prohibition Orders = 1
- First results from current exercise indicates little change

Deregulation Act 2015

- Retaliatory Eviction (for tenancies) — do L/Ls & courts understand process & protection? + requires a responsive & supportive LA
- Section 21 Notices – can be invalidated by
 - No Gas Safe certificate
 - No EPC where required
 - No “How to Rent” booklet served
 - S 21 served during first four months
 - Possession not applied for within 6 months
 - Not in prescribed form
 - LA has served an Improvement Notice or taken ERA
- Many s.21 notices served are invalid!
- LA.s referring complainant back to L/L not much help

Changes under Housing and Planning Act 2016

- Civil penalties – how are you using them?
 - do you have your policy properly agreed?
 - remember requires the same preparation as a prosecution
 - Notice of intention within 6 months of offence
 - Rent Repayment Orders – new duty to consider applying for one
 - wider application
 - notice of intention within 12 months of offence
 - criminal standard of proof
 - what help will you be giving tenants for their applications? (no need for conviction or LA RRO first)
- BUT are real criminal L/Ls likely to take tenants on HB/UC unless fraud involved?

Changes under Housing and Planning Act 2016

- SI 2017 No 367 on allocation of funds from penalties & RROs - must be for PRS enforcement - need to be able to demonstrate only LA's costs re enforcement, otherwise to consolidated fund
- Access to Tenancy Deposit Data – PRS addresses, address of landlords (not names) & agents etc (criminal landlords unlikely to protect deposits) – procedure to be followed
- Banning Order provisions commenced so SI.s on Banning Order offences can now be made
- Database on “rogue landlords”

Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

- New tenancies from April 2018
- Based on principle of “no cost to landlord”
- Minimum EPC rating Band E (no lettings in Band F or G) (No EPC required for HMOs)
- Continued letting of Bands F&G L/L needs to carry out EE improvements
- Possible exemptions include where L/L cannot obtain funding for improvements
- LA may impose financial penalties
- See guidance for L/Ls at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656540/27_09_17_Domestic_Private_Rented_Landlord_Guidance_-_Final_Version.pdf

Some proposed changes in the law

- Karen Buck MP's Private Members Bill - Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill (2nd Reading 19/1/18)
- Amends Landlord and Tenant Act 1985 includes absence of Cat 1 hazards as part of "fitness", removes rent limits & includes liability for work not complying with Building Regs – covenant that rented home is "fit"
- Civil action to complement LHA action or if LHA unable or unwilling to act

Other proposed or possible changes in the law

- What has happened to proposal to extend mandatory HMO licensing?
- It was proposed to set minimum room sizes for HMO licensing (on what evidence & how were rooms to be measured anyway?)
- Cap on tenancy deposits (was one month rent now 6 weeks & 1 week for holding deposit) & no letting agent fee for tenants (Tenant Fees Bill)
- Increased security? – well, redress scheme & incentives for L/Ls to increase tenancy to minimum of 12 months

Grenfell Tower & fire safety

- Attitudes of officials to residents' concerns
- Review of confused responsibilities on fire safety needed
- Part of review of HHSRS Enforcement Guidance?
- Mix of tenures and who would LHA's EHP be able to serve notice on anyway?
- Advice to residents – “stay put” now seems questionable advice without other safeguards
- A memorial to injustice

Housing and other health hazards – another reason to address risks in housing

Risk Factor	Total cost burden to NHS p.a.
Physical inactivity	£0.9-£1bn
Overweight/obesity	£5.1-£5.2bn
Smoking	£2.3-£3.3bn
Alcohol	£3.2-£3.2bn
Housing	£1.4-£2.5bn

Source: Nicol, Roys & Garrett *The cost of poor housing to the NHS*, PHE Briefing Paper

House to be used for homeless family – (roof space converted to two bedrooms)



Open riser stair (of varying heights) to first floor from behind rear door in kitchen area of single ground floor room + irregular tread at top step & “ranch” style climbable guarding



Conclusion

- From the beginning EHPs' work has been about dealing with "exploitation" and injustice
- Housing is a key social determinant of health
- Those with least control over their own lives live in the worst housing
- So the work is also about addressing health inequity
- The law is an instrument – how you use it determines how you contribute most effectively to improving public health & reducing inequity so should policies on the PRS be subject to health equity assessment?

THANK YOU

Any Questions?