



To: Cabinet
Date: 11 November 2020
Report of: Housing and Homelessness Panel
Title of Report: Impact of Covid-19 on the Private Rented Sector

Summary and recommendations	
Purpose of report:	To present Housing and Homelessness Panel recommendations concerning the impact of Covid-19 on the Private Rented Sector
Key decision:	No
Scrutiny Lead Member:	Councillor Nadine Bely-Summers, Chair of the Housing and Homelessness Panel
Cabinet Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning and Housing Delivery
Corporate Priority:	Deliver more, affordable housing
Policy Framework:	Council Strategy 2020-24
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices
None

Introduction and overview

1. At its meeting on 03 August 2020, the Housing and Homelessness Panel welcomed two members of the Oxford Tenants Union to give a presentation on the impact of Covid-19 on residential tenants within the private rented sector.
2. The Panel would like to thank Lucy Warin and Rob Zinkov of the Oxford Tenants Union for giving up their time to attend and share their insights with the Panel.

Summary and recommendation

3. Lucy Warin of the Oxford Tenants Union presented to the Panel. Following an introduction to the work of the Oxford Tenants Union the Panel were informed of

the changing challenges faced by tenants during the Covid-19 pandemic. Initially, concerns were raised over failures by landlords and agents to maintain social distancing, attending properties for viewings unannounced or entering for inspection and cleaning without tenant permission. Latterly, problems had arisen in shared properties where tenants had been held responsible for the full rent following the departure of a house-mate, despite it not being possible to replace them. The pressure of paying rent during the pandemic had caused many people to be 'sick with worry' throughout, and those who had few alternative options were facing sofa-surfing or rough sleeping. Maintaining people in their homes was suggested to be the best means of preventing a significant rise in homelessness. As one of the places nationally with the most acute ratio between rents and earnings, Oxford would be particularly vulnerable to such an increase.

4. In response to the presentation the Committee's particular areas of scrutiny focused on the following areas:
 - Tenants' rights during the pandemic
 - Council support for at-risk tenants
 - Damage limitation through persuasion of landlords and central government

5. The Committee makes five recommendations

Tenants' rights during the pandemic

6. In response to the pandemic's impact on renters, central government has introduced limited protections for renters but some have been subsequently repealed. A ban on evictions expired on 20 September. With the expected backlog of cases in the courts, and the prioritisation of eviction cases involving serious violence or anti-social behaviour, this measure should have the impact of ensuring that renters who have simply fallen behind on rent due to the pandemic ought not to be under immediate threat of losing their homes. Reports from Oxford Tenants Union, however, suggest that tenants are unaware of the limited protections that exist, nor do they tend to seek help until problems are very far advanced. Many, therefore, give up their tenancies before they need to. A portion of those giving up their tenancies end up in more precarious rental circumstances – overcrowded houses, sofa surfing, or homelessness. The Panel considers that there are virtually cost-free ways of sharing good quality information on tenants' rights, for example Shelter, and the Oxford and other Tenants' Unions have high quality and readily available information, and that at the very least these could be shared via the Council's social media and other online channels.

7. Though it has not seen numerical evidence to support this, it is considered likely by the Panel that the burden of this situation will fall disproportionately heavily on BAME groups. Risk factors include the higher proportion in lower-paid jobs and jobs in at-risk sectors such as hospitality and retail, and the lower relative proportion of home ownership amongst BAME residents. Non-English speakers, or even those for whom English is a second language are less likely on average

to be familiar with their rights, and face additional hurdles with becoming acquainted with those rights. The Panel considers that the Council, through its Communities arm, both through its grant-giving and work with BAME communities and elsewhere, has the relationships and reach to broaden access to information on rental rights and sources of support. On the grounds of equality, it should seek to do so.

8. An area of particular concern for the Panel is in regards to 'No DSS' policies, blanket bans by landlords towards renting to those in receipt of Universal Credit and other housing-related benefits. In July 2020 such blanket bans on housing benefit claimants were deemed unlawful. Feedback from Oxford Tenants Union, and reports in the national press indicate that despite the ruling little has changed, with few non-compliant landlords and agents updating their policies.¹ Benefit claimants already face a significantly reduced pool of potential properties owing to the level of financial support provided through the Local Housing Allowance. It is doubly important, therefore, that the pool of available properties is not further reduced through unlawful discrimination. As anticipated job losses materialise and more people enter the benefits system for the first time, the competition for available properties will increase, making finding a home more difficult for many, and potentially a cause of homelessness for some.

Recommendation 1: That the Council uses its existing channels of communication, particularly social media, to share information on tenants' rights and advice relevant to the pandemic and seeks to use its existing links with local community groups to improve access to that information amongst non-English speaking groups or those with English as a second language.

Council support for at-risk tenants

9. The Panel notes the duties placed on the Council through the Homelessness Reduction Act, which include the provision of advice and the creation of housing plans for those at risk of homelessness. It also notes the praise received from central government in its implementation of the Homelessness Reduction Act, and the efforts made to embed homelessness prevention corporately. Nonetheless, Oxford faces a situation in which it is likely that there will be a significant spike in the number of people facing eviction and potential homelessness. Given that the Council has also had to adapt its ways of working in the light of Covid, the Panel seeks reassurances over the adequacy of its homelessness prevention capacity in light of the new environment and additional pressures.
10. Specific areas of concern are over 1) the percentage increase of people presenting as at-risk of homelessness before the Council has insufficient capacity, 2) whether the reduction in face to face meetings with residents reduces the opportunity to identify and provide early intervention support for at-

¹ <https://www.theguardian.com/society/2020/aug/02/landlords-in-england-ignoring-no-dss-ban-claim-private-renters>

risk tenants, 3) whether home working impairs communication across teams regarding homelessness prevention, and 4) whether Covid has reduced the capacity of external stakeholders in homelessness prevention. It is the view of the Panel that there is both a financial and a human case for ensuring the Council's homelessness prevention capacity is capable of meeting the pressures it is likely to face in the months to come.

Recommendation 2: That the Council develops a plan for how it could increase homelessness prevention capacity at short notice in the event of an eviction spike, and reviews the effectiveness of its current provision in light of Covid-enforced changes to ways of working.

11. A further area of concern for the Panel is in relation to those tenants living in sub-standard accommodation. Even in the absence of formal lockdowns, tenants are likely on average to be spending more time at home due to home-working, shielding, self-isolation, reduced hours and fewer opportunities for socialising away from the home. As winter approaches, the weather is also more likely to reduce the amount of time spent outdoors. The approach of winter, however, also heralds an increase in risk for many tenants in sub-standard accommodation, particularly those with damp problems or poor insulation. As such, over winter tenants face the prospect of spending more time in a higher risk environment, raising the importance of the Council's work to increase the safety of homes let in the City.
12. The Panel considers that addressing this situation should be a priority action for the Council, particularly if Oxford experiences a further lockdown. It does not wish to over-define how the Council should address this problem, merely that it should recognise the urgency of it and develop as effective solutions as it can.

Recommendation 3: That the Council takes whatever measures it has at its disposal, including environmental health enforcement powers, to reduce the number of unsafe homes being let out to tenants before winter arrives.

Damage limitation through persuasion

13. In discussion, the Panel recognised that although the Council has a part to play in ensuring that residents in the private rented sector are not driven into more precarious living situations, its influence is relatively peripheral compared to the actions taken by landlords themselves. The Panel discussed at length how Covid has damaged the private rented sector market, which would be to the detriment of tenants and landlords, but also how, of the two groups, tenants would be likely to experience the more acute and immediate pain of any realignment.
14. Whilst the Panel recognises that Council has little direct influence over the choices taken by landlords when responding to situations arising from the pandemic, it also notes feedback from the Oxford Tenants Union on the overwhelming benefit to tenant mental health that good practice by landlords can have. It is the view of the Panel that steps taken to maintain tenancies, such as

conversations about rent reductions or payment plans, are likely also to be in the interests of landlords in preventing voids which risk being unfillable in the event of retightened lockdown measures. Consequently, the Panel recommends that the Council take what action it can to increase good practice amongst landlords. In the Panel's view the only way it realistically can is through convening, influence and communication. The Panel recommends seeking information from landlords and tenants to understand the pressures on both sides, and promoting in communications with landlords good practice and highlighting the risks of not engaging in good practice for both tenant welfare and landlord returns. One avenue to explore being to use the contact the Council has with HMO landlords and its HMO landlord accreditation scheme.

15. The limitations of this suggestion are recognised by the Panel. Persuasion may not change the minds of many landlords. At present the Council has very little (if any) contact with non-HMO landlords and often does not even know who they are. Even should the Council adopt a selective licensing scheme, its implementation is likely to arrive too late to be able to facilitate communications with non-HMO landlords. GDPR limits the uses for which personal data may be used, meaning the use of landlord contact details in this manner may not be appropriate. Nevertheless, if it is possible at relatively low cost to make a difference to some on the margins, the Panel recommends it be considered.

Recommendation 4: That the Council gathers information from landlords and tenants on the pressures and challenges arising from Covid, and in its existing communications with landlords promotes good practice in the Covid-environment, highlighting the risks of failing to follow good practice.

16. The Panel does recognise that the powers of the Council in addressing this problem are limited, and that the primary driver of major change must come from central government. The Panel considers it worthwhile that the Council makes representations to central government, but that the strengths of those representations would be increased by drafting its representations alongside other stakeholder groups. In particular, the Council should discuss whether adopting a positing in favour of ending section 21 evictions and a rent-freeze policy would be desirable.

Recommendation 5: That the Council works with local housing support and advice organisations to draft a letter on the need for government to introduce practical policy changes to increase protection for renters, to include consideration of ending section 21 evictions and the need for a rent-freeze policy, and for the Leader to send the agreed letter to the Secretary of State for Housing, Communities and Local Government

Further Consideration

17. Covid-19 and the economic repercussions arising from it will inevitably continue to show significant impact upon Oxford's private rented sector market. The Housing and Homelessness Panel continues to retain an interest in this area but it is not known whether or how it will seek further consideration of the subject.

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Cabinet response to recommendations of the Housing and Homelessness Panel made on 03/09/2020 concerning a presentation made by Oxford Tenants Union regarding the Impact of Covid-19 on the Private Rented Sector

Provided by the Cabinet Member for Planning and Housing Delivery, Councillor Alex Hollingsworth

6

<i>Recommendation</i>	<i>Agree?</i>	<i>Comment</i>
1) That the Council uses its existing channels of communication, particularly social media, to share information on tenants' rights and advice relevant to the pandemic and seeks to use its existing links with local community groups to improve access to that information amongst non-English speaking groups or those with English as a second language	Agree	Social media and press releases will continue to be used as a vehicle to promote the rights of tenants in the private rented sector in the pandemic. Community engagement is a key part of the consultation exercise underway for Additional and Selective Licensing and will be used to improve communication regarding
2) That the Council develops a plan for how it could increase homelessness prevention capacity at short notice in the event of an eviction spike, and reviews the effectiveness of its current provision in light of Covid-enforced changes to ways of working.	Agree	In early Summer a new Covid-19 Homelessness taskforce was put together made up of council staff from a range of departments, in order to plan for any future wave of homelessness brought on by the pandemic and rising unemployment. This group continues to consider the emerging evidence and make changes to services to maximise homelessness prevention.
3) That the Council takes whatever measures it has at its disposal, including environmental health enforcement powers, to reduce the number of unsafe homes being let out to tenants before winter arrives.	Agree	This work is underway with checks on suspected unlicensed HMOs, compliance inspections for licence conditions and visits to non-HMOs having recommenced. However, all visits requiring entry are now planned and booked in advance, which has restricted the ability to pursue enforcement action to secure improvements. The changes in working practices have been necessary to protect the health of officers and members of the public.
4) That the Council gathers information from landlords and tenants on the pressures and challenges arising from Covid, and in its existing communications with landlords promotes good	Agree	Officers are in regular dialogue with landlords, agents and tenants about the issues they are facing through Covid. This is through tenants and landlords contacting the enforcement teams and the tenancy relations officer. A

<p>practice in the Covid-environment, highlighting the risks of failing to follow good practice.</p>		<p>letter is being sent out to every HMO in Oxford in the week commencing 12th October regarding Covid. This will promote best practice and advice on legal compliance. It will also be promoted by emailing it to letting agents and landlords and asking them to circulate it to tenants in their properties.</p> <p>We will be continually keeping the situation under review, particularly in light of announcements from the government or the Director of Public Health.</p>
<p>5) That the Council works with local housing support and advice organisations to draft a letter on the need for government to introduce practical policy changes to increase protection for renters, to include consideration of ending section 21 evictions and the need for a rent-freeze policy, and for the Leader to send the agreed letter to the Secretary of State for Housing, Communities and Local Government</p>	<p>In part</p>	<p>We have already sent such a letter to Government regarding these issues, in particular when we responded to the consultation on Section 21 evictions. As such it is considered too soon to write to the Government again. We will however continue to look for ways to lobby the Government on our own and with partner organisations to make the maximum impact.</p>