

A life-time of inequality: a structural analysis of housing careers and issues facing older private tenants

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ABSTRACT

While the majority of households in England have become homeowners at the turn of the 21st century, some older people still struggle on low incomes in the less privileged sector of private renting. This article first explores the intertwining of the history of housing policy and provision with the lifecourse histories of individuals, seeking to describe the reasons why some older people are in the private rented sector. It then presents research findings that revealed how some older private tenants experienced different types and degrees of harassment and abuse by their landlords, from verbal and financial abuse to disrepair of property and illegal evictions. Both strands are brought together in looking beyond individual responsibility or culpability to the structural and lifecourse causes of the problems. People's housing choices and destinations are often shaped by a combination of their lifecourse circumstances and external (both economic and institutional) barriers. Where abuse is concerned, a two-tier tenancy system has made 'regulated tenants' vulnerable to their landlords; the legal remedies are endemically inappropriate; the housing benefit system is a major source of tension between landlords and tenants; and the modernised private rented sector has allowed no place for those who want secure long-term homes. In summary, this article examines how the law, housing policy and the housing market combine to produce particular problems for older private tenants.

KEY WORDS – older tenants, private rented sector, harassment, housing histories, lifecourse, structured discrimination.

Introduction

In the latter half of the 20th century, housing policy and provision in England have encouraged and helped the majority of households to become homeowners. Some older people, however, still struggle on low incomes in privately-rented accommodation. Although some long-term tenants may enjoy considerable security of tenure and low 'registered' rents

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under the previous Rent Acts, older people living in the private rented sector may at the same time be vulnerable to harassment and abuse by their landlord for various reasons. Indeed, bad practices by private landlords cause anxiety, ill health, and sometimes loss of home to older tenants.

The underlying purpose of this article is to consider the structural causes of the housing problems of individual older people in the private rented sector. Within the theme are two strands. One looks at the structural factors from the past and how they have intertwined with lifecourse factors to cause the older people to be where they are today. To understand why some older people are still in the private rented sector, we review histories of housing policy and provision dating back to the early 20th century and examine the barriers which people faced when accessing other tenures. There is a striking link between housing career and 'lifecourse' events. Older people's housing histories are likely to have been influenced by factors that include class, income, inheritance, geographical location, employment, and marital and parental status (Heywood, Oldman and Means 2002).

The second strand concerns the problems that are caused by current structural factors. The research revealed that private tenants experienced different types and degrees of harassment and abuse by their landlords, including verbal and financial abuse, neglect (of repairs and improvement) and illegal evictions. The intention of this article is however to look beyond individual culpability to the structural causes of such problems. It is particularly concerned to examine how laws, housing policy, benefit regimes and the housing market combine to produce such problems.

Research methods

This article draws on research on *Harassment and Abuse of Older Tenants in the Private Rented Sector* (Carlton *et al.* 2003 forthcoming). Since it would not be possible to estimate the extent of landlord abuse and harassment, a qualitative research method was chosen to explore the experiences of older people in the private rented sector, and their relationships with private landlords. The views of statutory and voluntary agencies working in this field were also sought. Fieldwork was carried out in six English locations in 2001 in order to provide a comprehensive and robust understanding of the processes and issues involved. Semi-structured interviews were conducted with 38 older (current and former) private tenants, 36 key informants including local authority tenancy-relations officers, housing benefit officers, service providers in voluntary agencies and staff in legal advice centres, as well as a small number of private landlords.

The article presents a contextual analysis of the chosen themes of this research. All quotes and examples appearing in the text are drawn from the above interviews. Moreover, the policies and circumstances described in this article are, in their details, particular to England, although British or UK data and literature are sometimes drawn upon to describe the situations when no data for England were available. It is however important to note that there are different developments in housing tenures in England, Wales, Scotland and Northern Ireland.

Background: development of the private rented sector in the 20th century

Tenure patterns have changed dramatically over the 20th century in England. At the beginning of the century, around 90 per cent of the population were private tenants. In 1909, there were about one million small landlords in the UK owning on average seven to eight units of housing (Offer 1981). Taking advantage of the shortage of housing during the First World War, private landlords increased rents dramatically. Riots in Scotland and the threat of riots elsewhere led to the *Rent Act 1915*, which restricted rents to the levels they were at in August 1914. Other Rent Acts, mainly continuing these controls, were passed in the subsequent decades, any attempts to decontrol being countered by political pressure. Landlords could not increase rents, so there was little incentive to invest and every incentive to sell up.

Fewer than one million of the 2.5 million new homes in the private sector built between 1919 and 1939 were for letting; the majority were for owner-occupation by the growing band of office workers. In the same period, 1.5 million council houses were built and let to working class families in secure jobs who could afford the rents (Burnett 1986). Faced with limitations on rents and increasing regulation, private landlords either tried to avoid the effects of regulation by devious means or sold up, often to their tenants. One million tenanted properties changed hands in this way between the wars, and the process accelerated during and after the Second World War. By 1951, private tenancies, albeit still the most common form of tenure, were down to 45 per cent of the total stock.

Government policies towards private landlords were then, as they have continued to be, ambivalent. Due to an acute shortage of housing of any kind after both World Wars, action on slum clearance had to be balanced with the need for as many homes as possible. After the Second World War, this led governments to offer landlords grants for improvements such as the installation of a bathroom and indoor WC. In the years between 1964 and

1996, as clearance became unpopular and new building unaffordable, increasingly generous grants were offered in some areas for improvements and for repairs. These grants were aimed mainly at the new band of low-income owner-occupiers but private landlords were also involved in the programmes. This was partly out of concern to improve the housing conditions of private tenants. Chiefly, however, it was because restoration of market confidence in streets of terraced homes depended on improving at least the external envelope of all the properties, regardless of tenure.

At times in the 1980s and 1990s, it was possible for a landlord to receive a grant of up to 100 per cent of the cost of work (sometimes exceeding the market value of the property) on the sole condition that the property continued to be available for letting for five years. Not only did the landlord thereby stand to make considerable gain when the five years were up, but they were also able, by reference to the rent tribunal, to charge the tenant an increased rent. The landlord therefore received public money to improve the property, and then received higher rent (also paid from the public purse if the tenant qualified) because the property had been improved. The era of these generous grants ended in 1996 with the passing of the *Housing Grants, Construction and Regeneration Act*. They had, for a while, represented an element of considerable public subsidy to parts of the private rented sector, but had not affected its onward steady decline. In 1989 it constituted just 8.6 per cent of the total housing stock in England.

Between 1989 and 1995/6, the privately-rented sector grew slightly. This was partly due to a downturn in the property market as people who could not sell their properties, or could sell only at a loss, rented them instead, often using the rent to pay the mortgage. Owners were prepared to do this because changes in legislation (the *Housing Acts 1988* and *1996*) had ended rent regulation and indefinite security of tenure and introduced 'Assured Shorthold' tenancies (DTLR 2001). The then Conservative governments, having slashed public investment in social housing, attempted to encourage further investment in the private rented sector not just with these key changes on tenure but with various schemes offering tax relief such as the Business Expansion Scheme and Housing Investment Trusts. Financial institutions, however, have remained reluctant to invest in the sector (Crook and Kemp 1996, 1999). Consequently, the proportion of tenants renting from an individual rather than a corporate landlord increased from 53 per cent in 1988 to 67 per cent in 1993 (Carey 1995). 'Buy to Let' (and letting when you cannot sell) became a new aspect of the property market, but there has been no significant growth in the private rented sector since the mid-1990s. The lack of interest by larger investors is structurally significant, because individual landlords will normally prefer short-term tenures and an easily realisable asset (and therefore young tenants who move on), while a

professional corporate landlord would be able and willing to provide more long-term provision, and be happy to have reliable older tenants.

Housing careers and lifecourse of older tenants

Given the general move to owner occupation that characterised the twentieth century in England, why have some older people remained or ended up being in the less privileged sector of private renting? The first point to consider, as the above account explains, is that when the current older cohorts first sought accommodation on leaving the parental home, private renting was the most common tenure. Moreover, because of rent control, the tenure was for some affordable whilst owner-occupation was not. Other factors are needed to explain how it came about that certain groups of people never made the transition onto the 'property owning ladder'.

'Lifecourse' is one factor which influences people's housing career (see for example, Kendig 1984; Özüekren and van Kempen 2002). The notion of lifecourse emphasises a combination of sequences of different types of event in people's life such as family formation and dissolution, entry to and exit from the labour market, illness or widowhood. In this context, people's preferences and aspirations in housing choice are likely to be different. Depending on their lifecourse circumstance, some people may make positive choices to rent privately since they prefer to have less responsibility, require less or more space, or have different priority of spending. Housing choice, however, can also be shaped by opportunities (available options and resources) as well as by constraints. Some people may be disadvantaged because of the lack of financial resources: The 1994 *Housing Attitude Survey* revealed that the top three reasons for not buying a property among renters were all financial (DOE 1994). Others may be constrained in terms of opportunities. For instance, past allocation policies for social housing and the policies of lending institutions have respectively excluded certain types of households from public renting and owner-occupation. It is thus crucial to understand that for many, their difficulties in accessing other tenures stem from a combination of their lifecourse circumstances and external barriers.

Household characteristics are indeed one of the major determinants of people's housing choice and constraints, and their earlier housing career is likely to influence their housing destinations (see Izuhara 2000). Among all the older households in England, one person households are over-represented in the private rented sector (Table 1). Single older people are much less likely to own their homes, and much more likely to rent from a

TABLE I. *Percentage of private renting by household type (households headed by a person aged 60 or more years) England 1995*

Household type	Private unfurnished renting	Private furnished renting
Single male	14	40
Single female	41	23
Couple both 60+	24	6
Couple one 60+	7	6
Couple 60+ and child	4	0
Other	12	23

Source: Office of National Statistics (1996), cited in Leather 1999: 160.

social landlord, both local authority and housing association, compared with older couples and other multi-person households headed by an older person (Leather 1999).

Housing careers are often influenced by the parallel family reproduction and employment careers (Özüekren and van Kempen 2002). For much of the twentieth century and still today, the labour market has been dominated by male workers. Therefore, for single women who have had neither equal pay nor a male breadwinner in their household, their disadvantaged position in the labour market may have produced financial instability, and disadvantaged housing situations in later life (see Gilroy 1994). Although women's poorer wages and their limited access to full-time paid work have been the two major determinants, the prejudice shown by lending institutions was also a reason for women's exclusion from home ownership. For instance, prior to the passing of the American *Equal Credit Opportunity Act 1973* and the British *Sex Discrimination Act 1975*, discriminatory practice by lenders was an element in blocking women's access to mortgages (Merret and Gray 1982, quoted in Gilroy 1994: 48).

When accessing affordable social housing on a long-term or permanent basis, single or childless people have tended to be disadvantaged by the housing allocation policies of local authorities. In the inter-war period, when private renting was the major form of tenure and the quantity of social housing was small, such allocation policies were relatively unimportant (Malpass and Murie 1994). With the growth of council housing in the first half of the post-war period, 'having large families' was originally defined as one of the priority preferences which local authorities had to consider when allocating their council housing under the *Housing Act 1957*. This problem became worse for single or all adult households when the policy of 'housing need' points replaced the simple waiting list.

Some single tenants in the research had lived in council housing in the past, having been allocated accommodation as a one-off deal (following

TABLE 2. *Tenure by single households headed by a person aged 60 or more years in England 1995 (%)*

	Own outright	Buying on mortgage	Council tenant	HA tenant	Private tenant
Single male	43	6	35	7	9
Single female	48	4	33	6	7

Source: Office of National Statistics (1996), cited in Leather 1999: 160.

slum clearance, for example) but had subsequently left it for various reasons. Many of the single older people who are currently private tenants, however, had never had the option of being a council tenant, partly due to policy discrimination in favour of those with children, and later because they were housed, and therefore not in 'housing need' as defined by the housing authority.¹ In the last two decades, when council housing stock has become increasingly scarce through Right-to-Buy policies and the decline in new construction, priority for housing allocation has remained focused firmly on the family. The fact that approximately a third of single-elderly households are currently council tenants (Table 2) may therefore be explained either by the fact that they have been widowed or separated during their tenancy, or because they have been allocated a property as an older person. In this regard, it is relevant that purpose-built properties for older people were excluded from the Right-to-Buy legislation.

The same lifecourse factor can be applicable to male migrant workers in the post-war period. The research found that there are a number of male migrants who came to England alone, had remained single, and whose housing career has been less successful compared with their married counterparts. Older Irish men, for example, are more likely to be in a single-person household and to cluster in private renting, local authority or hostel accommodation (Birmingham Irish Community Forum 1996). For this group of men, housing is often not secured by the usual routes but rather relies on informal networks, which are increasingly problematic in a post-industrial society. There is a long established pattern of earlier-comers renting their properties to later fellow migrants; satisfying their needs and helping to create a culturally friendly neighbourhood, but sometimes producing a complex dependent relationship. After the Second World War, when immigration was encouraged to meet labour shortages, most local authorities had long waiting lists for council housing. For example, applications in Birmingham, which stood at 7,000 in 1939 had risen to 65,000 in 1948 (Sutcliffe and Smith 1974: 227). The councils therefore introduced residence qualifications, typically of five years, to give priority

to local citizens over newcomers. Unless they could afford to buy, new migrants therefore had no choice but to rent privately.

White male workers who have worked in mobile jobs as in the construction industry (where conditions of work would frequently have been hazardous and insecure) have faced similar issues. They tend to have moved around the country, staying with landlords or in common lodging houses, other dormitory-style hostels or poor quality hotels. Single men leaving jobs with 'tied accommodation', as in the hotel and catering industry or the Armed Forces, also demonstrate the link between housing and employment careers. Due to their household characteristics of being single and without dependants, when 'housing need' replaced simple queuing, they were ineligible for public rented housing and thus likely to remain in private renting.

For this group of men, housing may not have been a high spending priority. One informant in the research (single, migrant worker) stated that if he had spare money he preferred drinking than to save to buy a house. Another informant explained his view of the intertwining of lifecourse and housing situations. The landlord had a shop downstairs and allowed his tenants drink and cigarettes on credit: 'These guys [tenants] were institutionalised into social-rot [by the landlord and the system created by him]. People are so used to it and cannot leave'. At the bottom end of the rented market, there were landlords who offered poor quality housing but were willing to tolerate their tenants' chaotic lifestyles. Some older tenants therefore make a positive choice to be in private renting since their behaviour would not be acceptable in council or housing association housing.

The research also revealed that some people, especially never-married women, had remained in the private rented sector because of their caring role. Some stayed as carers in the rented homes of parents, uncles and aunts, and then inherited the regulated tenancy. Unmarried children, especially daughters, were traditionally expected to remain at home as carers for their elderly relatives. This affected their ability to engage in paid work and to access other forms of housing. One female informant had given up her flat in southeast England to move north, nearer to her widowed father. This story is subtle, however, since the father had bought her the flat and told her to stay put. After she had moved to be nearer him, he moved away. There is a suggestion that the need was as much the daughter's as the father's, something which may be another factor in understanding the housing needs of single people. Having no partner or children, their bonds to parents or siblings remain more important. Paid carers may also experience housing need when they are older. According to the Elderly Accommodation Counsel database in 2002, for example, wardens or housekeepers in various forms of sheltered housing often need to find a new home on retirement.

Furthermore, although home ownership has become the most popular type of tenure among British households in general, the meaning of home ownership can be different for families as compared to single people. Unlike rental accommodation, home ownership can bring many advantages, such as security and stability (reducing the fear or threat of being evicted), social status, and the accumulation of housing assets (Wright 1991; Saunders 1990; Dupuis and Thorns 1996). Indeed, home ownership can be used as a means of accumulating wealth, which can be passed on to the next generation of the family (Forrest and Murie 1995). In this context, single people without children do not have a strong incentive to obtain or maintain their own home, and may choose to remain in the rented sector. One female informant described the advantages of renting privately: 'I wanted security and peace of mind with no need to worry about maintenance. I'm not married, so have no children to leave the property to'.

Another important factor in linking lifecourse factors to housing situations, much borne out in this research, has been the failure of social housing to cater for the diversity of people's needs, backgrounds, locations and housing types. For economic and political reasons, most council housing has been built in estates, and those who do not fit with the cultural hegemony of the estate will be uncomfortable living there. Housing associations who have bought up extant housing are more likely to have varied stock, but scattered properties are hard to manage and old properties are expensive to maintain. The tendency has been, therefore, for such purchases to decline in favour of new build in small estates. Under pressure from the government, the social rented sector increasingly provides a standardised, uniform product. The people we interviewed included a variety of individuals whose needs would not have been met by such provision.

Structural causes of harassment of older tenants in the private rented sector

Although some older tenants have a good relationship with their landlord, the research discovered tenants who had experienced various types and degrees of harassment and abuse by their landlords. Cases of verbal, physical, psychological and financial abuse were found. Neglect (landlords not carrying out necessary repairs) is one of the common problems. It is a particular problem among older tenants who live in older properties and spend much time at home. Poor housing conditions are likely to cause serious harm to both the physical and mental health of tenants. Sometimes, however, it is the older tenants themselves who refuse to have repairs and improvement on their rented property, sometimes because the process may

take too long and be too stressful or inconvenient. Also, older tenants on fixed incomes may, with reason, fear rent increases after improvements are made.

Financial abuse included landlords over-charging for gas, electricity, breakfast and other services, withholding deposits, or holding and cashing-up social security benefit books. Moreover, many tenants were concerned about their landlords not granting them privacy and control of the rented property. Some landlords called at their homes frequently without notice, or used pass keys to enter at will. Others provided strict instructions about the use of the property, *e.g.* where the furniture should be placed. This type of harassment may happen to tenants of any age, but its effects on older people may be more serious (Marsh *et al.* 2000).

For long-term tenants, changes of landlord are likely to occur and can bring distress and feelings of fear and insecurity. Some older people had been passed on or 'auctioned off' several times. New landlords may offer repair and improvement to the property but then impose rent increases or, in the worst cases, seek unlawful eviction. Perceived or actual insecurity of tenure is a common problem among older private tenants. Some cases of harassment were one-off incidents, but others were repeated or protracted actions or inaction. Sometimes, landlords were not aware that their action (or inaction) distressed their tenants. It was evident, however, that some landlords had a clear intention to evict their tenants, on occasion by skilful use of the law. For example, since rent arrears are virtually the only grounds on which a landlord can secure the legal eviction of a regulated (secure) tenant, some landlords devised various unpleasant ways of preventing tenants who for decades had never been in arrears from paying (more details below).

Overall, the research revealed that malpractice by private landlords caused stress, anxiety, ill health (both mental and physical), and sometimes loss of home to older tenants. The main purpose of this article is however to look beyond immediate culpability to the structural causes of the problems. What motivated the landlords to drive older tenants out of their property by harassment? To what extent were these acts the consequence of legislation, housing policy, and benefit régimes in a changing housing market?

Two-tier tenancy system

Some landlords had a clear intention of evicting their tenants using a combination of direct and implied threats, the use of insults and abuse, and occasional bribery. Minor but repeated harassment could slowly and

skilfully build up fear and distress among older tenants:

He harassed me. He wants me out. He rang the hospital to say I'm insane ... My landlord, he came to me and offered me £1,000 to get out. Then, he said to me, 'Oh Mrs! You haven't got long to live!' I said where do I go with £1,000?

Some tenants were required to move out temporarily for repairs, raising the issue of whether the landlord used disrepair to evict tenants by relocating them, perhaps into a less secure tenancy. In those circumstances, older tenants were naturally reluctant to leave their home even temporarily. One case was of an older couple living in a basement flat which needed substantial repairs. The council served notice, and the couple moved to a flat upstairs during the work. After the works were completed, the landlord would not let the older couple return to the flat. The council eventually had to obtain an injunction against the landlord.

The motivations of landlords who evict their tenants may vary, but under the current tenancy system in England many are encouraged to evict older 'regulated' tenants. There are currently two broad categories of tenancies – *regulated tenancies* under the *Rent Act 1977* and *assured and assured shorthold tenancies* under the *Housing Act 1988*. Most tenancies created prior to 15 January 1989 were regulated tenancies under the *Rent Act 1977*. Compared with the assured tenancies, they have a considerable degree of security of tenure and greater secured rights of succession. The landlords can gain possession only on finely specified grounds, and their rent level can be controlled. Either the landlord or the tenant can apply to the rent officer for registration of a 'fair rent', which becomes the maximum the landlord can charge. About half of all regulated tenancies in 1999/2000 had a registered rent (DTLR 2001). As a result, the average rent level of the two tenancies differs considerably. Fair rents are sometimes unrealistically low relative to house prices. For example, whilst the average rent of assured shorthold tenants was £94 per week in 1999/2000, regulated tenants paid on average £52 per week. Since the landlord is unable to control the rent level under the Act, this type of tenancy is understandably unpopular with landlords.

In contrast, private tenancies created on or after 15 January 1989 are generally assured or assured shorthold tenancies under the *Housing Act 1988*. (The idea behind the introduction of the new tenancies was specifically to revitalise the stagnant private rented market). The new type of tenancy removed rent control and substituted market rents with very little security of tenure. Most private tenants were given assured shorthold tenancies, which generally offer good protection from eviction only during the first six months of the tenancy, after which it is relatively easy for landlords to obtain a court order for possession. For instance, if assured or assured shorthold

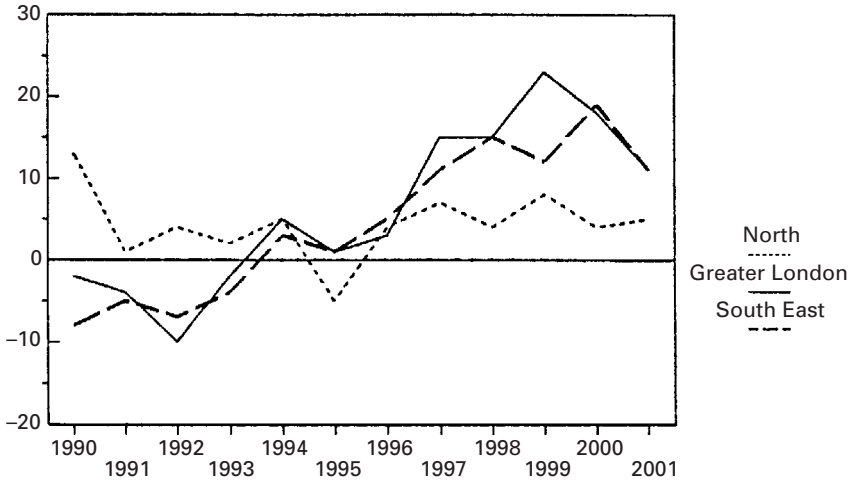
tenants have rent arrears amounting to more than two months rent, the landlord can claim possession of the dwelling using a mandatory ground for possession, and the court has no discretion but will have to evict the tenants.

Since no new regulated tenancies could be created, the numbers of *Rent Act* tenancies have been rapidly disappearing for the last decade as the tenants either die or move out. Although a spouse or a co-resident family member can inherit the tenancy, when he or she succeeds to the tenancy, it is automatically converted into an assured tenancy. While 59 per cent of all tenancies were regulated in 1988, they decreased to a third in 1990 and 19 per cent in 1993. By 1999/2000 there were over 150,000 regulated tenancies, just seven per cent of the total. On the other hand, the proportion of all private tenancies which were either assured or assured shorthold rose from 28 per cent in 1990 to 66 per cent in 1999/2000 (DTLR 2001).

Using the data from the 1999/2000 *English House Condition Survey*, the characteristics of private tenants in the two very different types of tenancy can be compared (DTLR 2001). First, older tenants are much more likely to be regulated tenants, since 70 per cent of those were aged 65 and over in 1999/2000, while 95 per cent of assured tenants were of working age. 54 per cent of all regulated tenants were in one-person households of an adult aged 60 and more years. The properties which regulated tenants occupied also tended to be older – 54 per cent lived in property built before 1919. These older dwellings often require a disproportionate expenditure on repairs – work on pre-1919 houses made up nearly half of the total bill for urgent repairs (DETR 1996).

High turnover was a characteristic of the private rented sector in general, with its large proportion of young tenants. Regulated tenancies, on the other hand, tend to be of long duration: 74 per cent of these tenancies began before 1978, and 33 per cent of tenants had lived in the property more than 40 years, while only seven per cent of those aged 60 or more years had been resident for less than 12 months in 1999/2000. This means that older long-term tenants are likely to have a strong attachment to the property, which could be their home from marriage or during their entire adulthood. Although older tenants may be a small minority, as regulated tenancies account for only seven per cent of all private tenancies, the problems they face are distinctive and serious.

In theory, regulated tenancies provide older tenants much more protection from eviction than assured tenancies. In reality, however, the fact that two types of tenancies currently exist can place regulated tenants in a very vulnerable position. It provides landlords with an incentive to 'persuade' their tenants to leave in order to maximise their profits. In this context, the two-tier tenancy system is not the sole source of conflict, but the problem is accentuated by the recent changes in the housing market.



Source: Council of Mortgage Lenders (2002) Housing Finance no.53 Spring: 75

Figure 1. Mix-adjusted house price indices, all houses.

After the slump in the late 1980s, house prices started rising again (assisted by low interest rates) in the latter half of the 1990s with wide regional variations (Figure 1). In recent decades there has been an increasing polarisation between 'hotspots' and 'coldspots' between and within the regions. The regional picture is still a north-south divide, with the northern regions having the lowest growth rates. And the growth in East Anglia and the South West have been significant as well as in Greater London.

The danger of the two-tier system in a booming housing market is that landlords can expect higher profit if rents truly reflect the market rates and from selling their property for the capital gain. A low demand for housing in some areas means that there is little incentive for landlords to evict older tenants. The research revealed that in northern areas with a surplus of housing (some hard-to-let), older tenants were preferred to younger people since they are more likely to look after the property, do minor works themselves, and are less likely to complain. In contrast, in other case study areas with increasing housing prices, older tenants were less popular, since those with regulated tenancies paid low rents and were more likely to put down roots. With assured tenancies, the landlord can increase rents every six months according to the market rates. A survey of landlord attitudes in a Midlands city found that landlords preferred young single people, students and childless couples, who would move on quickly, making it easy either to increase rents or to sell the property for the capital gain.

The following extreme example of abuse and harassment instances the sufferings of regulated tenants after their property had been bought at

auction by a new landlord. It reveals the way in which the law and the housing market combine to produce problems for older private tenants:

An older couple had been living in rented accommodation for almost 60 years. Abuse and harassment by their future landlord started when he was planning to bid at auction. He gained entry to view the property (and the sitting tenants) by deception. He called at the property unannounced and sent letters making demands before he owned the property, which is illegal. One of the issues in the private rented sector is that properties with sitting [regulated] tenants can be sold off, passed on, or auctioned many times. The age of sitting tenants is usually advertised at auction (Heywood and Naz 1990: 154), and property prices with sitting tenants are, on average, five per cent lower for every year that a tenancy is expected to last.² In this case, as soon as the new landlord took over, he changed the method of rent payment, demanding that the older couple deliver the rent (cash) to his address a few miles away. Otherwise, 'if (they) want the rent collected, there will be a 10 per cent charge for expenses and calling out'. Then, the landlord refused to receive the rent so that he could threaten to take them to court for rent arrears.

His actions included not collecting the rent, returning cheques saying payment must be in cash or setting unreasonable conditions for its payment, and sending a series of abusive but very clever letters. The landlord once suggested that a relative of his would be prepared to swap property with the tenants. A month later, the landlord wrote of his disappointment that the tenants did not want to move. A later letter demanded access to carry out repairs and a gas safety check. The landlord proposed the arrangements in a most aggressive manner. Where the repairs were concerned, his proposals were clearly meant to be threatening. 'As you will see, some of the work could be rather extensive, such as digging up and replacing floors, along with the re-plastering and damp course, so you may have to move out for a short period of time, at least three months'. The landlord had one clear intention, to get the tenants out. The tenants also suffered from a mysterious burglary where nothing was taken but a terrible mess was made. Twelve months later, the older couple gave up the tenancy.

With the eviction accomplished, the landlord will have been able to enjoy significant profits by either charging market rents to new tenants under the *Housing Act 1988* or selling the property at the market price with vacant possession. Realising the likely profits which landlords could make by evicting regulated tenants, this type of harassment and abuse leading to unlawful eviction is likely to continue until regulated tenancies completely die out.

The housing benefit regime

The housing benefit system is another major source of tension between older tenants on low incomes and their landlord. Through the right-to-buy campaign under the Thatcher administration in the 1980s, supply-side ('bricks and mortar') subsidy of council housing was replaced with demand-side support of housing benefit (means-tested support for rent payments).

There was also an increasing reliance on the private sector for housing provision (Forrest and Murie 1991). Such personal subsidy (subsidies tied to people rather than to property) in the form of housing benefit is now the key mechanism for meeting the housing costs of low-income renters (Cowan and Marsh 2001). According to the 1999/2000 *English House Condition Survey*, although smaller in number, tenants in regulated tenancies, many of whom were older people, were the most likely to receive benefits (47%).

Housing benefit was left to take the strain of rising rents, providing a public subsidy to parts of the private rented sector. By 1999/2000, the expenditure had risen nearly five-fold, to £5,161 million (DETR 2000). Rent restrictions introduced in 1996 established various measures designed to limit public expenditure on housing benefit. Due to the system of local reference rents set by the rent officer, the rent used to calculate housing benefit is on average £19 per week below the rent charged by the landlord. These shortfalls can cause hardship for claimants, especially in London and for young people subject to the 'single room rent' restriction (see Kemp and Wilcox 2002). The legislation suggested that the tenants must find the difference themselves, negotiate a lower rent with the landlord, or move to cheaper property.

Severe delay in the payment of housing benefit causes major problems in tenant-landlord relationships for both young and old tenants. Older tenants may, however, suffer more due to both their age and their fear of arrears and eviction. Being in rent arrears is shameful to a generation brought up not to get into debt and it may cause worry, anxiety and damage to physical and mental health. Despite the national regulation that all new claims should be assessed within the 28 days of application, in some areas applicants have waited up to 12 months. As a result of delay, some tenants receive threatening letters from their landlord and suffer great distress:

For a long time, five or six months, they [housing benefit office] did not pay any rent to my landlord. I went to see my councillor, she could not understand why it took so long because there was no change in my circumstances ... Because he (landlord) is not getting his rent, even if I have a problem, I hesitate to tell him. I've paid for things myself like mending the storage heater. I've spent over £200 of my own money ... I'm worried the landlord will get fed up and evict me.

Landlords who are prepared to house benefit recipients may experience serious difficulties with the system. Thus, many landlords now require deposits and rents in advance, thus cutting out housing benefit claimants, especially in areas with booming housing markets that can attract students and young professionals with cash. In such areas, therefore, it is common to find rental advertisements on local papers specifically stating 'No DSS'. Such delay in payment is problematic itself, but also there is no guarantee that the tenant's claim will be successful.

Another notable issue here is the gap between the actual rent and a 'reference rent' which tenants are expected to top up out of their limited income. House prices continue to be inflated in areas of high housing demand and these are what determine market rents. Despite the original intention, however, 'reference rents' often do not reflect true market rents. In the period 1993–2000, for example, housing benefit payments increased by 24 per cent but rents increased by 31 per cent (DTLR 2001). Of the private tenants whose housing benefit was lower than the rent in 1999, 40,000 (30 % of the total) asked the landlord to reduce the rent, but this was refused in 65 per cent of cases (DTLR 2001).

Agencies and landlords in case study areas reported that the statutory procedure used in assessing 'reference rents' for housing benefit limits produces unrealistic rent levels. An extensive area is chosen, the highest and lowest rents are ignored and an average is calculated. As one housing benefit officer mentioned, rent officers rarely visit properties, so they tend to undervalue properties. Also, the system takes no account of the condition of the property. It militates against landlords letting better quality properties, since they get the same rent from a neglected as from a well-maintained property.

Concluding comments

This article set out to explain the socially constructed nature of harassment and abuse of older private tenants. In particular, it has shown how the two-tier system of regulated and assured tenancies has made regulated tenants seriously vulnerable to their landlords. While legal routes to their eviction are closed, if it can be achieved the benefits are great. Landlords inevitably are tempted to use other means and this will continue as long as the two-tier system remains. On a broader level, this article has explored interactions between the history of housing policy and provision and the lifecourse histories of individuals. Wars, politics, economics, human endeavour and wickedness determine as time goes forward what housing is available, the costs of it and the way it is regulated. Meanwhile, tenants of all ages repeatedly encounter housing market changes at many points. For some individuals, these encounters have trapped them in the private rented sector. If a mortgage was required, they were on a low income and could not afford the deposit, or they were a woman disadvantaged by institutional discrimination. If 'habitual residence' was required for a council flat, they had not been in the place long enough. If priority was given to families, they were childless or they had waited so long that their children were too old to count. If priority was given to those with no roof, they were disqualified

because they now had one. If, later, council tenants were given generous subsidies to become owners, they were excluded because they had never got their toe on the council housing ladder. These are the patterns faced by many older private tenants in England today, and which reflect a life-time of inequality for the individuals concerned. It would be interesting to know whether researchers elsewhere have found similar patterns in different manifestations.

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NOTES

- 1 In the mid-1990s, one of the authors was a member of a Birmingham City Council working party dealing with clearance issues. A case was discussed where a tenant in her eighties and her disabled son in his sixties, the last remaining residents in a derelict block, were living at risk from arson and break-ins, in a privately rented house. They had been six months without a flushing toilet before the landlord repaired it. They had had three changes of landlord in one year and the current landlord was not collecting the rent, so they had to live with the fear of having the money on the premises or being unable to pay if he turned up. The woman had been on the council housing waiting list for 50 years, and had letters from each decade showing that her application was still valid and 'alive', but in the decades of housing need allocation, because she had housed herself (with a private landlord) and because she had enough bedrooms, she had apparently never been judged to be in sufficient housing need to receive an offer.
- 2 Information gained through an interview with S. Kershaw, an estate agent, in 2002.

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