

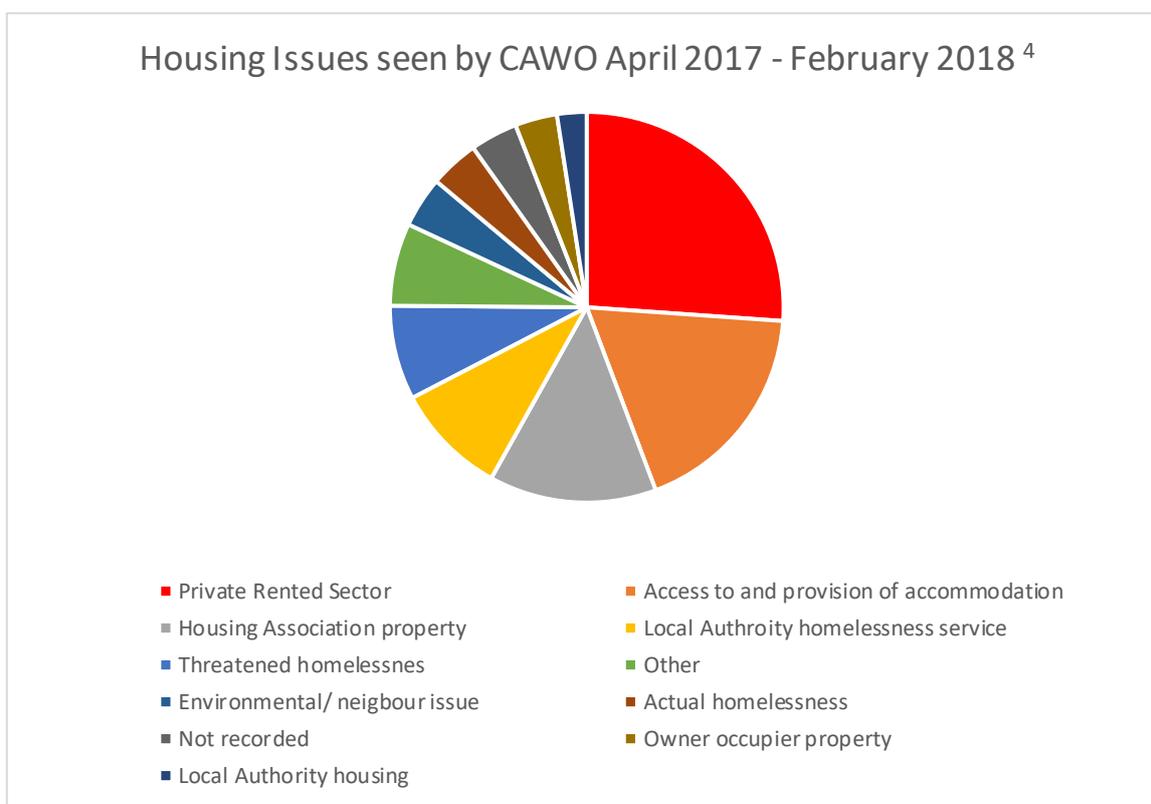
Settled and Safe West Oxfordshire 2018

2015 research updated March 2018 by interns Jade Spencer and Amber Pavey

National and Local Housing Issues

Nationally, Citizens Advice has helped thousands of people with housing-related issues. In 2016/17 alone we dealt with 400,000 housing issues nationally¹, reflecting the current housing crisis that means less and less people can afford home ownership and are forced to use the private sector. The numbers of renters in the UK is increasing with around nine million in England today², many experience insecurity, huge hidden costs and the worry of eviction. Shelter also found that one third of private rented homes in England fail to meet the Decent Homes Standard³. In West Oxfordshire, local data alongside the issues dealt with by the Citizens Advice West Oxfordshire (CAWO), would suggest that we are by no means exempt from this crisis. In 2016/17 CAWO dealt with 355 issues about private sector rented accommodation. This made up just over 26% of all housing issues dealt with by CAWO, by far the largest majority across all 1359 housing issues recorded.

This report aims to follow up on the Settled and Safe campaign started by Citizens Advice in 2015-2016, but with specific focus on the effects in the West Oxfordshire area. The Settled and Safe campaign is ongoing as the aims have not yet been fully realised, as will be discussed.

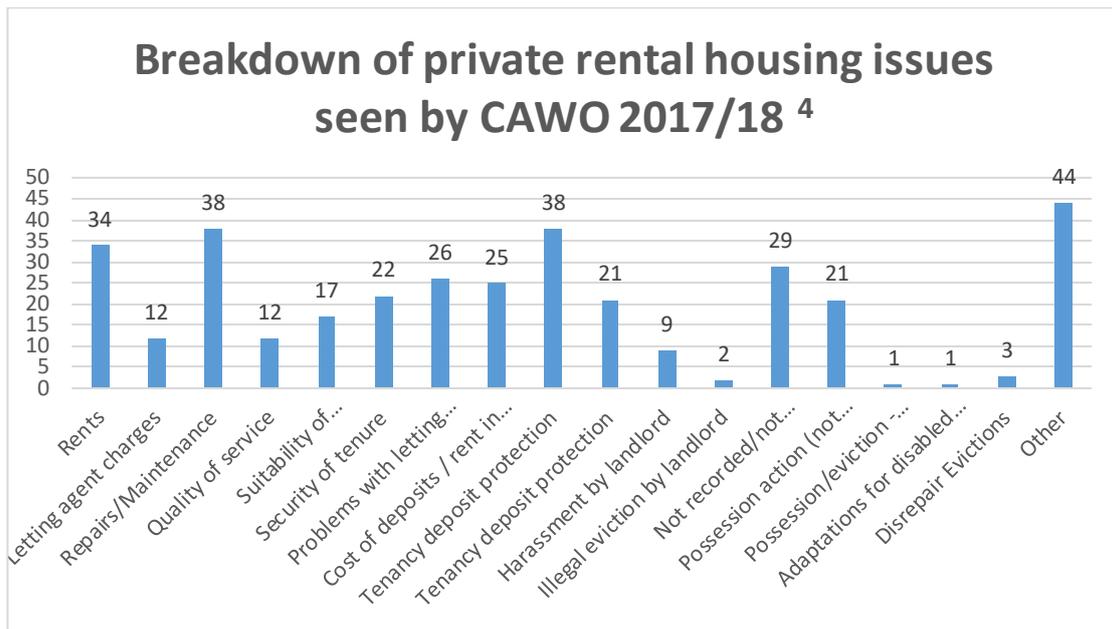


¹ <https://www.citizensadvice.org.uk/Global/CitizensAdvice/citizens%20advice%20annual%20report.pdf>

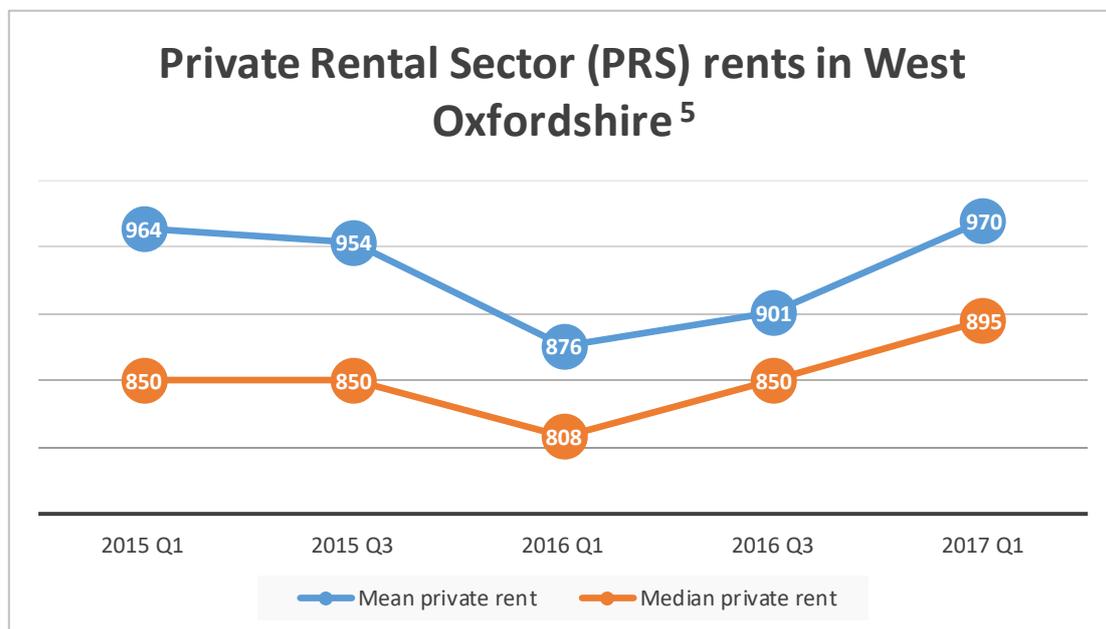
² http://england.shelter.org.uk/campaigns/_why_we_campaign/the_housing_crisis/what_is_the_housing_crisis

³ http://england.shelter.org.uk/campaigns/_why_we_campaign/the_housing_crisis/what_is_the_housing_crisis

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The table above shows that Rent, Repairs/Maintenance, Tenancy Deposit Protection and then others or not recorded issues are the most prevalent seen by the Citizens Advice West Oxfordshire. There are clearly a wide range of issues affecting renters in the private rental sector.



⁵Rental prices decreased in early 2016 but have been rising ever since. Data beyond 2017 is not yet available at time of writing. The early 2017 median (the mid of the range) rent price is given at £895 while the mean is £970.

⁴ Internal Data from 'Citizens Advice West Oxfordshire Housing issues P3'

⁵ http://england.shelter.org.uk/professional_resources/housing_databank

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Citizens Advice's National Settled and Safe Campaign

The National Citizens Advice campaign, Settled & Safe: A renter's rights campaign through 2015 and 2016. The campaign has five key aims:

- 1. No renter should ever have to pay excessive and inexplicable fees for the basic services a letting agent provides. We want to see an end to extortionate fees levied on renters by letting agents.**
- 2. No renter should be at the mercy of rogue landlords who consistently break the rules, taking deposits unlawfully, harassing tenants or renting substandard homes. We want to see all local authorities in England set up a register of landlords that tackles the specific problems in their area.**
- 3. No renter should ever be left out of pocket after renting a home which proves to be dangerous or uninhabitable. We want tenants to be entitled to rent refunds where the property they're living in is dangerous or not fit to live in.**
- 4. No renter should be evicted simply for complaining about bad conditions. We want to see an end to retaliatory evictions.**
- 5. No renter should ever lose their home at a moment's notice. We want all tenants to get reasonable notice before having to move out, even when caught up in a landlord's eviction**

There has been progress with the campaign but the work is not yet complete. The government announcement of intention to ban letting fees (discussed later in this document) shows that campaigning on point one, to stop a renter paying excessive fees for basic services has been successful, however there is more work to be done to ensure this comes into force. The Housing and Planning Act 2016 made progress towards addressing the issue of rogue landlords with civil penalties of up to £30,000⁶. This act also introduced extension of Rent Repayment Orders (RRO) which should help tenants seek redress when things go wrong, although Citizens Advice National still calls for improvements like the tenant's local authority to have a duty to help with rent repayment order applications. In 2015 the Deregulation Act 2015 makes retaliatory evictions unlawful, a great result for point 4. Regarding point 5, the landlord must now make whoever paid the deposit aware that they intend to evict tenants through the new abandonment code and allows them to block the eviction by showing the property is not abandoned, this could protect tenants where someone else paid the deposit but raises concern for vulnerable tenants who may have paid their own deposit⁶. In summary, the work of the Settled and Safe campaign has made a considerable difference, although key changes campaigned for have not yet come into force and there is still campaigning to do to fully ensure renters can settle safely.

⁶ https://www.citizensadvice.org.uk/about-us/campaigns/current_campaigns/settled-and-safe-a-renters-right-campaign/settled-and-safe-a-renter-s-right/

The Costs of Renting

When taking up a tenancy there are often additional costs beyond just the rental which may not be clearly advertised. Transparency measures introduced in the Consumer Rights Act 2015 were intended to drive up standards of clarity in fee advertisement and improve competition between agents. According to government consultation in 2017, 77% of tenants feel this has not happened⁷. 85% of tenants felt fees were not clearly displayed and 49% were not aware of letting fees at the outset of their interest in a rental property. This shows that tenants are still often not clear about what they will have to pay in order to move into a rental property. Each agent has different fees, in both price and structure. Charge descriptions include referencing charges, tenancy agreement charges, administration charges and guarantor charges. These may be given as per applicant or per property, or may vary depending on circumstance with it being a different cost for a couple than 2 single applicants. Upon the move there may also be check in or inventory fees, these can vary dependent on house size, furnished or unfurnished and may not be made clear until outlined in the tenancy agreement, meaning they could be quite unexpected. All these combined mean that it can be very difficult for prospective tenants to understand what they will need to pay with different agents, making shopping around estate agents near impossible.

Guarantors are also often required if sufficient income cannot be proven by the tenancy applicants. Citizens Advice New Forest suggested that guarantors are being required increasingly often. Potential tenants have to prove income of up to 30 times the rental value, meaning for a rent of £800 an income of £24,000 would be required. This is likely to be difficult for low-income renters, requiring them to find a guarantor who is able to prove this⁸. In addition, there are additional fees for the referencing and addition of the guarantor to the tenancy agreement. For low income renters this may provide an additional barrier to finding a property, as they could face additional fees through their need to have a guarantor and may have difficulties finding the guarantor in the first place.

There may also be additional costs once the tenancy is established, many agents charge to renew the contract when the assured short hold agreement comes to the end of its term and should the tenants wish to leave there can be fees to end the agreement if it has not run its full term and then also check out fees.

The costs to renew the tenancy or move into another privately rented property can be too much for many. The ending of private sector tenancies has overtaken all other causes to become the biggest single driver of statutory homelessness in England. The proportion of households accepted as homeless by local authorities due to the end of an assured short hold tenancy increased from 11% during 2009-10 to 32% during 2016-17⁹.

⁷https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656211/Govt_response_to_consultation_on_banning_letting_fees.pdf

⁸<https://www.citizensadvice.org.uk/Global/CitizensAdvice/campaigns/Settled%20and%20Safe/New%20Forest.pdf>

⁹ <https://www.nao.org.uk/report/homelessness/>

Letting Agents' Fees Legislation

In November 2016 the government announced in the Autumn Statement that it plans to ban letting agent fees for tenants, however currently no timetable has been set for the new law needed to do this and the majority of lettings agents are still charging a variety of fees on their tenants.¹⁰ Following the autumn statement the consultation followed and in November 2017 the government published their response to the consultation¹¹ and the draft Tenants Fees Bill¹². The consultation revealed some interesting results:

- 69% of tenants reported that letting agent fees had affected their ability to move to a new rented property
- 49% of tenants said that they were not aware of letting fees at the outset of interest in a rental property – either through their own research or through their landlord or agent
- Agent responses revealed an average fee at the start of the tenancy of £238 per tenant, while tenants reported an average of £327. Agents had an average renewal fee of £70, an inventory fee averaging at £117 and a check out fee average of £91.
- The Government believes a ban will be more effective than a cap – something that has been disagreed with since, leading to a petition to parliament with some arguing that a ban of fees could cause a rise in rental costs¹³.

The draft Tenants Fees Bill outlines a ban on letting agents fees and the only permitted payments would be rent, tenancy deposit, holding deposit and any default payments for example a lost key charge. The tenancy deposit is capped at 6 weeks rent while the holding deposit is capped at one weeks rent and both are fully refundable. The 6 weeks rent deposit seems to be pretty standard, from our survey, however in the consultation Citizens Advice, Shelter and Crisis recommended a cap of 3 weeks rent as a deposit – this was rejected on the basis that a deposit needed to be over a month in case the tenant decided to just not pay the last months' rent and have this taken out of the deposit. This bill has been welcomed by shelter who see it as a significant step forwards, but the inclusion of default fees as a permitted payment poses some concerns as it may be open to exploitation from some landlords or agents.¹⁴

Unfortunately, the bill is yet to be passed, and it is reported that the Ministry for Housing Communities and Local Government has said the ban will not be in place before spring 2019

¹⁰ https://england.shelter.org.uk/housing_advice/private_renting/letting_agent_fees_for_tenants, 01 February 2017

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656211/Govt_response_to_consultation_on_banning_letting_fees.pdf

¹² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/656274/Cm_9529_Tenant_Fees_Bill_Web_Accessible.pdf

¹³ <https://petition.parliament.uk/petitions/206569>

¹⁴ https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/response_draft_tenant_fees_bill, January 2018

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at the earliest¹⁵. This means there is likely at the very least a further 12 months of tenants having to deal with high letting agents' fees and that research into fees is still very much relevant. Campaigning must continue to ensure the bill comes into force.

Letting Agents' Survey 2015 and 2018

In **2015** Citizens Advice West Oxfordshire undertook a phone survey of local letting agents asking them about their fees, the results of which showed that a returnable deposit of six weeks' rent was the norm, on top of **an average of around £320 in administration fees** and first months' rent upfront. The administration fees are calculated not including upfront rent or the deposit, including any costs before the start of the tenancy (includes any referencing, tenancy agreement or administrative charge and check in fees where advertised) based on the minimum charge for 2 applicants for a 2 bedroom unfurnished home. There is some error where agents did not give a figure for check in fees or it is not clear whether fees are per person or per property. Tenants could be additionally charged for a guarantor as well as £40-£100 to renew their tenancy.

This year we have repeated the survey with the same letting agents to see how their charges have changed. We found 6 weeks rent was the standard still for the deposit, alongside the first month's rent being paid upfront before moving in. We found that **the average charges before the tenancy was £396**, in terms of just fees (not including upfront rent or the deposit), before the start of the tenancy (includes any referencing, tenancy agreement or administrative charge and check in fees where advertised) based on the minimum charge for 2 applicants for a 2 bedroom unfurnished home. This charge pre-tenancy varied by £353 with the minimum being £225 and the maximum being £578. This suggests that **fees have increased slightly** since 2015 as the average then was £76 lower.

If you introduce guarantors into the equation this increases further. For the same situation and one guarantor the average becomes £491 and for 2 guarantors (the two applicants both needing a guarantor and a single guarantor being unable to prove income for the full rental value) it is £590. For the situation with 2 guarantors the highest total charge was £810 while the lowest was £348, meaning that which estate agent the property is through could make the difference of £462. These figures are minimums for the situation as some agents websites stated that check in fees would be defined in the tenancy agreement, and hence we could not include them, or did not mention them at all, leaving us to assume none.

In addition to fees when moving into the property tenants may face fees to renew the tenancy agreement or leave the property. Tenancy agreements are usually assured short hold agreements lasting 6-12 months and are either then renewed or continue on a periodic basis, rolling over every month¹⁶. Some agents charge to renew this with the cost for 2 tenancy applicants ranging from absolutely nothing to nearly £200. **The average renewal cost of the**

¹⁵ <https://www.lettingagenttoday.co.uk/breaking-news/2018/1/government-explains-why-fee-ban-wont-come-into-effect-for-15-months>, <https://thenegotiator.co.uk/letting-fees-ban-will-not-become-law-until-at-least-spring-2019-mhclg-confirms/>

¹⁶ <https://www.citizensadvice.org.uk/Global/CitizensAdvice/campaigns/Settled%20and%20Safe/New%20Forest.pdf>

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agents surveyed was £95. This data suggests that there has been an increase in renewal fees since 2015 when this ranged from £40-£100. **Fees to check out at the end of the tenancy range from nothing to £175 with the average being £78.**

Using the average rent of £970, a 6 weeks rent deposit and the average fees calculated for a 2 applicant, 2 bed unfurnished property the **average total upfront cost to begin a tenancy is £2,709.** This is a significant amount of money to raise for many people, even if they are not necessarily considered low income.

Moreover, since November 2013 the Advertising Standards Agency has made it compulsory for letting agents to: 'ensure they prominently include information about non-optional fees in their ads for rental properties.'¹⁷ According to their website, this would include 'Non-optional fees, such as administration fees, charges for inventories and reference checks' which they recognise as a significant burden on potential tenants which deserves to be clearly outlined on Letting Agent's websites. This year we therefore also assessed whether Letting Agents were complying with this on their websites. Out of the thirteen agents, we were happy to see that all of them did list their fees on their website.

However, it became clear that the ASA's stipulation of 'prominently' was open to interpretation – it was sometimes very difficult to find the fees which were usually attached as a PDF file opened through an (often very discreetly placed) link, or in one case you had to scroll to the very bottom of the page. To those with limited computer skills, especially older people, these fees might be particularly difficult to find online despite the requirements of the ASA. An even bigger problem is that property websites such as Zoopla and Rightmove (which are much more efficient for those looking for property as they show homes from every estate agent rather than just one) do not have to display these fees, so potential tenants using these sites may not be aware of potential extra costs on top of rent. The draft Tenants Fees Bill outlines that the same requirements as on agents websites' will be applied to third party websites too, like Zoopla and Rightmove. However, since the draft bill states fees will be banned at the same time, this is rather too late. During our research we did discover that, despite it not being legally required yet, Zoopla has now added a button to each rental listing the search returns entitled "fee information". Clicking this opens a window displaying the fee information that can be found on the agent's website. This is in a standardised form and is a great development. Having said this, since agents still have different structures and formats of charging fees and advertising them it can still be difficult to compare and understand the upfront costs expected. Rightmove does have the potential to show fees but it appears to be up to the agent to decide what they include on the listing page, some show the deposit amount calculated and then clear fee information, others show no information about fees. Of the listings we opened to investigate, the ones which showed no fee information did seem to tend to be the ones that our survey showed charged more, although no data was collected

¹⁷ <https://www.asa.org.uk/news/asa-sets-deadline-for-letting-agents-to-be-up-front-about-fees.html> 10 September 2013

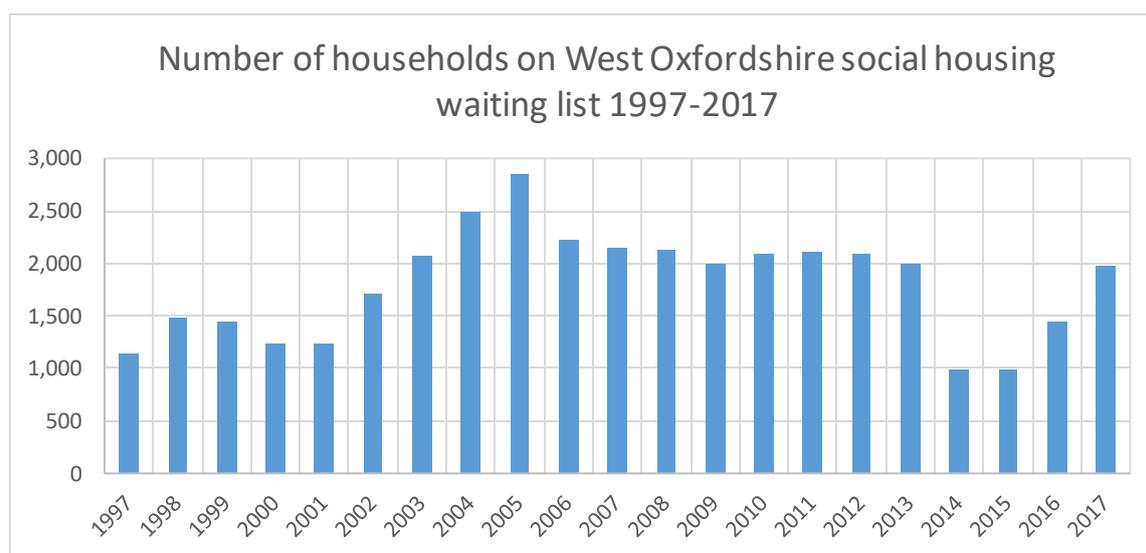
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and analysed for this. We would like to see standardization allowing clear comparisons between agents, while they are still payable.

Housing Benefit Claimants and Private Rentals

Lack of Social Housing

The Private Rented Sector is therefore already under significant strain as the number of people who cannot afford to buy has saturated the rented market. At the same time, the number of people on the council's waiting list for social housing has increased hugely – from 994 in 2015 to 1969 in 2017, but there is a lack of housing association properties to deal with this rise. Demand for affordable social housing therefore outstrips supply hugely in West Oxfordshire. For those claiming housing benefit who are on the long waiting list for one of these properties, rented accommodation might be their only other option. However, housing benefit claimants or those now on Universal Credit (which now incorporates a housing cost element as part of a monthly lump sum) face numerous difficulties in attempting to enter the Private Rented Sector.



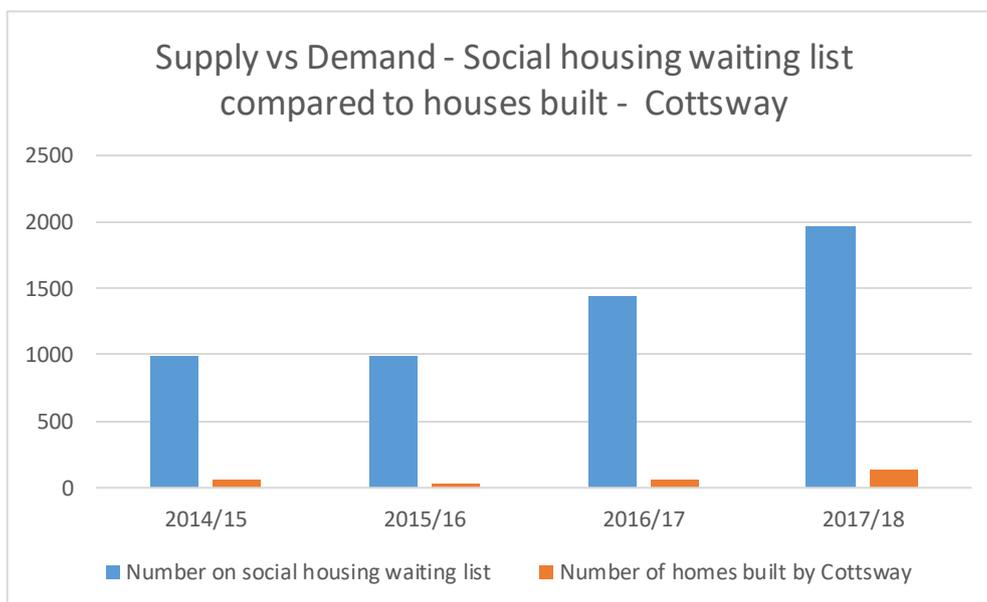
Data from the government on West Oxfordshire allowed production of the graph showing the number of households on West Oxfordshire social housing waiting list over time for 20 years from 1997-2017¹⁸. In 2001 Cottsway Housing Association Ltd was formed to receive the transfer of West Oxfordshire District Council's housing stock – before 2001 the waiting list includes 'council houses' whereas since 2001 it is just for social housing. This shows a fairly steady general increase towards 2005, a drop into 2006 and then that level being maintained until the end of 2013. In 2014 there is a significant drop followed by rise towards the present. In 2011 the Localism Act allowed local authorities to change their rules for who got placed onto the waiting list, and the drop in 2014 could be a result of this, however the major change seen in West Oxfordshire council procedures has been the move to a bidding based scheme,

¹⁸ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-rents-lettings-and-tenancies>

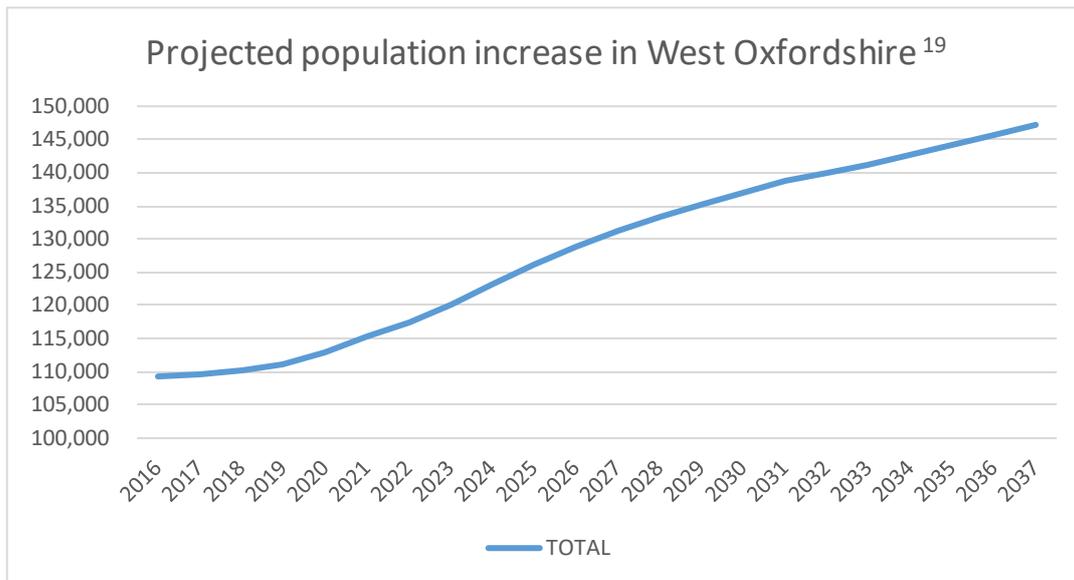
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Homeseeker Plus, which did not happen until September 2016, when waiting list figures were already back on the rise. It is suggested that the most accurate figures will be post 2016 since the system is now electronic rather than manual. A potential error in figures could be people not being removed from the list when they are inactive in their search/no longer have a need or find alternative accommodation, causing the waiting list to grow but this not actually being representative of increased demand. After communication with the council, we are told the new system issues an email automatically if they have been inactive over a year and if this isn't responded to then they are removed from the list, meaning that for recent years the increase is significant and **the need for social housing is increasing**. Another factor is that some new developments can offer affordable housing and local people need to be on the list in order to be considered, this would increase applications but still shows the **increasing need for housing which is affordable**.

Cottsway is the largest housing association and provider of social housing in West Oxfordshire, with CAWO often helping their tenants with a variety of issues. We asked Cottsway for data on the number of houses built in recent years and their rental costs. This showed that they are increasing the number of homes they are building, from 27 in 2015/16, to 64 in 2016/17 and 137 in 2017/18, this is a step towards addressing the increasing need. The graph however shows that this growth is still eclipsed by the large waiting list for social housing which is growing. Their average rents were around half the average private rental from shelter data.



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¹⁹Indeed, the lack of social housing is particularly concerning considering the huge projected population increase in West Oxfordshire. It's likely that, with the current rate of house-building by housing associations that this will result in an ever-increasing burden on the Private Rented Sector.

Issues facing Housing Benefit Claimants in the PRS - Letting Agents' Survey

In our 2015 and 2018 surveys of local letting agents, we asked about the availability of their rented properties to those in receipt of housing benefit (HB). In 2015, out of the thirteen letting agents surveyed, eight said it was at the discretion of the landlord and two disclosed they do not accept HB claimants at all. Three also said they would **not** accept bonds instead of deposits (usually provided by West Oxfordshire District Council (WODC) if a HB claimant could not afford a deposit) although two indicated that they did accept them. What the team found particularly interesting in 2015 was that three letting agents noted that a new scheme from WODC – the 'Rent in Advance Scheme' which provides a cash deposit of the first month's rent, often helped HB claimants take up a tenancy.

However, our 2018 survey indicated more negative results, with nine agents indicating they either did not accept housing benefit claimants at all or it would be rare, unusual or infrequent for themselves or their landlords to accept those on housing benefit. All, except one who said as an agency they did not accept housing benefit claimants, said it was to the discretion of their landlords as to whether those on housing benefit would be accepted but this rarely, or very rarely happened. From some agents, no one in the office seemed to know if they accepted housing benefit or not and we were asked to contact different people or told we would be called back by someone who did know, which never happened. This result shows that many properties will not be available to housing benefit claimants either as the result of the agency itself or the landlords, and in some cases agents can't even tell you clearly if they are accessible or not. It suggests attitudes are more hostile than they were in 2015, no

¹⁹ <http://insight.oxfordshire.gov.uk/cms/new-2016-based-housing-led-forecasts-districts> - since to be updated due to error but assured the changes are minimal and do not affect the general message of a growing population

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agents mentioned the Rent in Advance scheme and simply suggested that it was very rare housing benefit claimants would be accepted even if they allowed it as an agency. Further information about the Rent in Advance scheme follows later.

Private Renting and Universal Credit

An issue of increasing importance affecting benefit claimants in the Private rented sector since 2015 is the gradual rolling out of Universal Credit in West Oxfordshire. Universal Credit replaces six existing means-tested benefits. It is paid each month as a lump sum, rather than weekly or fortnightly with the new 'housing costs element' replacing HB usually included within this UC award – it is the claimants' responsibility in this case to pay their rent to their landlord from this payment.

Universal Credit can pose an increased obstacle to those claiming it and hoping to privately rent. Research by the National Landlords Association (NLA) in October 2017 indicated that just two in ten landlords would be willing to let to tenants in receipt of either housing benefit or universal credit, down from 34% in 2013²⁰. The NLA cite three key issues²¹ leading to Landlords becoming increasingly reluctant to rent to Housing Benefit Claimants:

1. Time and effort to secure direct payment of the housing costs element of UC to a landlord (as usually paid directly to tenant).
2. The six-week waiting period on Universal Credit causes tenants to be up to two-months in arrears by the time of first payment.
3. Difficulties communicating and interacting within the Universal Credit system.

Moreover, the issue of tenants budgeting with a monthly lump sum is also a concern for some landlords.

The Gap between Local Housing Allowance and Local Rents

Housing benefit (or housing cost for universal credit) helps people with no or low income to afford a home. In West Oxfordshire, you may get housing benefit if you are on low income. Income including earnings, other benefits and tax credits. Your income and savings and the income of anyone else who lives with you can affect how much housing benefit you can claim. If you are on a low income but do not meet the criteria for Universal Credit, you may still be entitled to housing benefit.

Housing benefit/cost is calculated using the Local Housing Allowance scheme based on the area you live in (known as the Broad Rental Market Area or BRMA) and the number of bedrooms you require. In West Oxfordshire there are 3 BRMA's – Cherwell, Oxford and Cheltenham. Cherwell includes Chipping Norton northwards, Oxford includes Witney,

²⁰ <https://www.landlords.org.uk/news-campaigns/news/two-in-ten-landlords-willing-house-universal-credit-tenants>

²¹ <https://www.landlords.org.uk/news-campaigns/news/two-in-ten-landlords-willing-house-universal-credit-tenants>

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Eynsham and Charlbury, down to the southern edge of the district and eastwards while Cheltenham is the area west of Burford and Carterton – as shown in the map below²².

In March 2018, we did a search for a 2 bedroom property within 10 miles of Witney on Zoopla and noted the prices for the 340 listings. This showed that the average price being advertised was £1,212 while the median was £1,100. Comparing this to the housing benefit allowance in the area for a 2 bedroom property, which is £769.62, there is a just under £450 gap between the housing benefit allowance and the average price being advertised for that kind of property in the area. We then counted the number of properties that were under £770 and hence where the rent could be completely covered by the housing benefit allowance, this showed that **just over 2% of properties were affordable to housing benefit claimants**. The National Audit Office states “it appears likely that the decrease in affordability of properties in the private rented sector, of which welfare reforms such as the capping of Local Housing Allowance are an element, have driven [an] increase in homelessness”²³.

Following the lettings agency survey we can calculate the average upfront cost that would be required by tenants for the deposit, first months’ rent and the fees. If we assume someone on housing benefit getting £769.92 a month for a 2 bedroom property manages to get a property for £770 then we can calculate the upfront payment. 6 weeks deposit is the norm from the survey, alongside a month’s rent upfront and then the addition of the start of tenancy fees, for this we have used the average. **This gives an upfront cost of £2,232 if no guarantor is required**. If two applicants each need a guarantor then this increases to £2,426. This is an extremely large upfront cost that someone on housing benefits is extremely unlikely to be able to raise. It should be noted that this is only after they have managed to find one of the 2 in every one hundred listings that has an affordable monthly rent on housing benefit allowance, and assuming one of those 2 in every 100 is suitable for their needs.

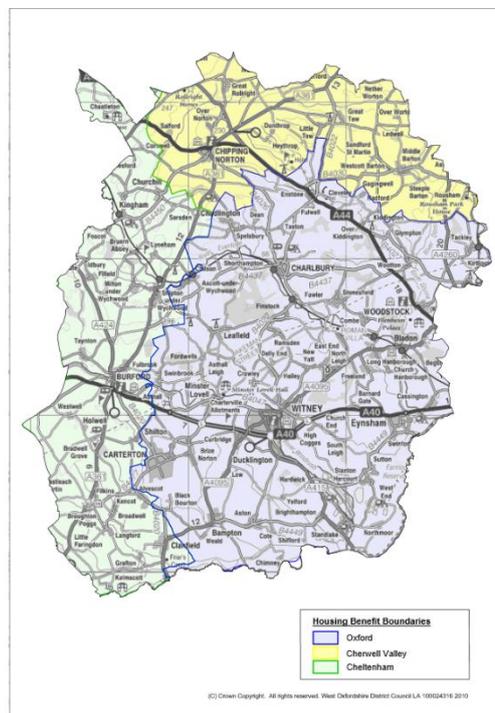
²² <http://www.westoxon.gov.uk/benefits-links/housing-benefit/>

²³ <https://www.nao.org.uk/report/homelessness/>

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Local Housing benefit Allowance in West Oxfordshire by district (March 2018) ²⁴

		rate per week	rate per month
Oxford	Shared	£80.55	£322.2
	1 bed	£158.90	£635.6
	2 bed	£192.48	£769.92
	3 bed	£230.14	£920.56
	4 bed	£299.18	£1196.72
Cherwell	Shared	£73.53	£294.12
	1 bed	£126.27	£505.08
	2 bed	£157.56	£630.24
	3 bed	£187.87	£751.48
	4 bed	£248.35	£993.4
Cheltenham	Shared	£68.35	£273.4
	1 bed	£111.83	£447.32
	2 bed	£143.34	£573.36
	3 bed	£174.43	£697.72
	4 bed	£240.59	£962.36



Local Council Assistance beyond Housing Benefit

West Oxfordshire District Council offers 2 schemes to help housing benefit claimants with the upfront costs of private rentals: Rent in Advance scheme and the Deposit Guarantee scheme²⁵. The rent in Advance scheme offers an interest free loan to people who receive full housing benefit and cannot afford the upfront cost of paying the rent before they move in. The loan is then repaid to the council through agreed repayments, housing benefit does not pay for it automatically. The Deposit Guarantee scheme helps if you cannot afford a cash deposit, the council gives the landlord a guarantee bond up to the value of 6 weeks' rent. The tenant is liable for any charges from the deposit at the end of the tenancy and these costs will be repaid to the council through agreed repayments just like the Rent in Advance scheme.

These schemes could offer the assistance those on housing benefits need to secure a property, however there are still barriers. Firstly, of the agents surveyed, many said they did not accept housing benefit claimants or it was at the discretion of the landlord and rarely did they accept. This exclusion of housing benefit claimants means finding a property that will accept you can be difficult. Secondly, in order to be eligible for the scheme you must have found a property to rent in West Oxfordshire where the rent is usually no higher than the maximum housing benefit allowance. As seen already, this can also be difficult with only 2% of Zoopla listings being affordable on this criteria. This difficulty to find a property is shown by the fact the council have received just 24 applications, across both schemes, in a year. In

²⁴ Source: Directgov

²⁵ <http://www.westoxon.gov.uk/private-sector-housing-links/renting-a-home/>

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2015 some agents said that the Rent in Advance scheme was helping housing benefit claimants take up a tenancy, although in 2018 no letting agents mentioned the scheme and just stated it was rare to accept housing benefit claimants, suggesting the scheme is not as useful as it potentially has been previously.

Another scheme that can help with housing costs is discretionary housing payments (DHP). These are available to housing benefit or housing element of universal credit claimants who can prove they are suffering from financial hardship due to a shortfall in their benefits²⁶. This shortfall could be the result of a number of reasons, including the requirement of a deposit or rent in advance for a property that the customer is yet to move into or a rent increase resulting in the household potentially becoming homeless. DHP give the council discretion over what the claimant needs and this can help in the situation that a housing benefit claimant needs additional money to manage the upfront cost of a move or a gap between the housing benefit allowance and their rent. If they may lose their home as a result of being unable to pay their rent as their benefits do not cover it they may also be able to apply for a homelessness prevention grant.

Low Income Renters without Housing Benefit

It should be made clear that private renting is not only an issue for housing benefit claimants, despite much of our discussion so far having that focus. Many also have problems purely from being on a relatively low income. If the tenant cannot prove sufficient income for the rental value of the property then they require a guarantor, as discussed earlier, bringing additional costs, but also the issue itself of finding a guarantor – many low income renters are likely to come from low income families and not have someone close to them who is capable or willing to be a guarantor. In some cases seen by Citizens Advice West Oxfordshire the tenant and their guarantor have been asked by the agency/landlord to pay 6 months' rent upfront to negate the risk. This is obviously difficult to do and makes renting very difficult for these individuals and then their families, if they are acting as guarantors.

The upfront cost required for starting a tenancy can itself be a widespread issue, not limited to those claiming benefits. Over £2000 is a large sum of money for people to put together in order to move property, particularly if this is unexpected and they have fairly low income. These people struggling have very limited options of places to turn for help, they are ineligible for the schemes ran by the local council as they are not housing benefit claimants.

Rogue Landlords

A key issue with rogue landlords was retaliatory evictions, where tenants are evicted after making complaints or requests for maintenance or repairs from their landlord, these have been made unlawful by the Deregulation Act 2015. However, many of the issues seen by Citizens Advice West Oxfordshire about private rented properties are relating to

²⁶<http://www.westoxon.gov.uk/residents/council-tax/benefits/housing-benefit/discretionary-housing-payments/>

Settled and Safe

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repairs/maintenance and there are also issues seen relating to harassment from landlords, illegal eviction by landlords or possession/eviction due to landlord arrears. These are cases where the landlord is being unfair or unreasonable to the tenant and the landlord can be considered a rogue landlord. Cases have been seen at the Witney office where the landlord does not carry out repairs in good time and the tenant feels intimidated and at risk of retaliatory eviction despite it being technically unlawful. Another situation seen is where a rogue landlord in the area took 6 months' rent and deposit for a property and then rented said property to someone else without returning the money. Rogue landlords are clearly a problem that still do affect West Oxfordshire, as demonstrated by these cases, although it is not clear how prevalent this is in general in the local area.

Health Impact

53% of people supported through the Debt and Housing project had a disability or long term health condition, this could suggest that housing issues disproportionately affect those with a disability or long term health condition, since 53% is much higher than the proportion of the general population being represented. This statistic indicates that these housing issues are disproportionately affecting vulnerable people, making this a key issue.

Conclusions

- Over 26% of housing issues brought to the attention of Citizens Advice West Oxfordshire are about private rented properties, with other issues including access to accommodation, housing association issues, and homelessness. This shows that renting a property and finding safe, affordable accommodation is a problem which affects West Oxfordshire.
- According to Citizens Advice West Oxfordshire data, the average rental price is increasing.
- Citizens Advice National campaign Settled and Safe made great progress, but there is still more to be done.
- The fee ban proposed by the government would mean tenants would only be expected to pay the rent itself, a tenancy deposit up to the value of 6 weeks rent, up to 1 weeks rent as a holding deposit to be returned and any default charges like a lost key charge. This is great news.
- The fee ban is not yet in force and tenants are still paying large amounts in fees. The ban is not expected until 2019 earliest and there is some opposition still.
- Our letting agents survey showed in 2018 the average fee payable for 2 applicants for a 2 bedroom unfurnished property was £396. This charge pre-tenancy varied by £353 with the minimum being £225 and the maximum being £578. This is an increase from 2015. This also increases with guarantors, if required.
- Guarantors may be increasingly required by low income renters, adding fees and also the strain of finding someone who is able and willing to be that guarantor.
- There is a lack of social housing, and the waiting list for social housing in West Oxfordshire is increasing, forcing people into the private rental sector.
- Housing benefit can be a barrier to renting as many landlords will not accept housing benefit claimants.
- The average on Zoopla for a 2 bedroom property within 10 miles of Witney was around £1200, while someone on maximum housing benefit allowance will only receive £769.62.
- On Zoopla only just over 2% of properties had a rental value under the housing benefit allowance available.
- Based on a monthly rent of £770 – the maximum housing benefit allowance, the average upfront cost of starting a tenancy including fees, deposit and first months' rent is around £2300, a huge upfront cost for someone with low income.
- The council scheme for Rent in Advance and the Deposit Guarantee scheme could help housing benefit claimants, although it is difficult to find a property in the first place to make an application to the scheme and applications are very low.
- Rouge landlords are an issue in the local area, although the extent is not known
- Vulnerable people, those with disabilities or long term health conditions are disproportionately affected by housing issues.