

Public Document Pack



Supplementary Information for 2nd April 2009

Agenda Item 9 – Houses in Multiple Occupation

Appendix 1

Appendix 2

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Report of the Director of City Development

Inner North West Area Committee

Date: 5th February 2009

Subject: Houses in Multiple Occupation (HMOs)

Electoral Wards Affected: 	Specific Implications For: Ethnic minorities <input type="checkbox"/> Women <input type="checkbox"/> Disabled people <input type="checkbox"/>	
Council Function <input type="checkbox"/>	Delegated Executive Function available for Call In <input type="checkbox"/>	Delegated Executive Function not available for Call In Details set out in the report <input type="checkbox"/>

Executive Summary

This paper outlines the significance and importance of a document (HMO Report), which was recently written by officers, summarising a report that has been published by Community & Local Government (CLG) regarding Houses of Multiple Occupation (HMOs).

Attached at Appendix 2 is a Executive Summary of the private rented sector: its contribution and potential, a research paper by Julie Rugg and David Rhodes.

1.0 Background Information

- 1.1 The purpose of this paper is to make Members of the Area Committee aware of the recent research that was conducted into Houses of Multiple Occupation and the possible planning responses to this. The report outlining the research, finding, and recommendations was produced by ECOTEC Research and Consulting Ltd on behalf of the Department of Communities and Local Government (DCLG).
- 1.2 The attached document (appendix one) has been written by officers to brief members on Leeds City Council's involvement in the research and outline the findings and recommendations of the report produced by ECOTEC. In addition to this, the paper advises what the implications of the findings are for Leeds.
- 1.3 The report produced by officers has also been circulated to West, Central, and East Plans Panels. The research conducted by ECOTEC considers issues relating to

high concentrations of HMOs/shared housing, and does not focus on one particular type of household. Therefore, the findings and implications of this study are relevant for the whole city.

2.0 Main Issues

- 2.1 The attached report firstly outlines the background to why Leeds and other Local Authorities have lobbied for legislative change with regards to HMOs. The approach taken by Northern Ireland in relation to HMOs, and how this could be incorporated into the planning system relating to England and Wales, is discussed.
- 2.2 The purpose of the evidence gather exercise conducted by ECOTEC and the conclusions that are drawn from this are summarised. Particular attention is made in relation to the three options that are suggested, and how these are related to the short, medium, and long term.
- 2.3 The implications of this research in terms of local policy and resources for Leeds are outlined.

3.0 Conclusions

- 3.1 The paper concludes that the areas of good practice that the ECOTEC report documents (see appendix A) are dealing with the symptoms of the effects of high concentrations of HMOs and not the causes. Leeds does many of the initiatives that are outlined, and there are clearly still problems arising from high concentrations of HMOs. Considering this, continuing to lobby for legislative change with support from the Core Cities, MPs, the National HMO Lobby and community groups is an appropriate action. In addition to this, we must continue to expand on our own best practice and learn from other Local Authorities.

4.0 Recommendations

- 4.1 Members are asked to note the contents and recommendations of the attached report and comment as they feel appropriate.

5.0 Background reports

- 5.1 Report of the Director of City Development (LCC), 2008. Houses in Multiple Occupation (HMOs).
- 5.2 Communities & Local Government, 2008. Evidence Gathering – Housing in Multiple Occupation and possible planning responses. *Communities & Local Government*, [Online], Available at <http://www.communities.gov.uk/publications/planningandbuilding/evidencegatheringresearch>



Report of the Director of City Development

City Centre Plans Panel

Date: 6th November 2008

Subject: Houses in Multiple Occupation (HMOs)

Electoral Wards Affected:	All
<input type="checkbox"/>	Ward Members consulted (referred to in report)

Specific Implications For:	
Equality and Diversity	<input checked="" type="checkbox"/>
Community Cohesion	<input checked="" type="checkbox"/>
Narrowing the Gap	<input checked="" type="checkbox"/>

Executive Summary

Houses in Multiple Occupation (HMOs) fulfil a useful function in providing relatively short term accommodation. However, large concentrations of HMOs can cause problems and these have been well documented, particularly in university towns and cities, such as Leeds.

For some time, local communities have expressed concern about the impact of HMOs with regard to loss of family housing stock, demographic imbalance, transient communities and the difficulties experienced in delivering local services. Local Authorities have historically had a great deal of difficulty in exercising control over HMOs, particularly in planning. Whilst the Housing Act 2004 introduced mandatory licensing for many forms of HMOs, this is concerned with safety and housing quality, rather than land use planning. It is often argued that many of the initiatives in place deal only with the symptoms of large concentrations of HMOs, but do not deal with the causes in planning terms. These concerns have been expressed most recently to Communities and Local Government (CLG), who commissioned ECOTEC Research and Consulting Ltd to undertake an evidence gathering exercise. A report outlining the findings of the research has now been published (September 2008).

The aim of the research was to identify good practice, test if good practice could have wider application and also determine how planning can tackle these problems. Leeds is one of five focus areas included in the research and is praised for its good practice. Consideration is also given to changing planning legislation, specifically the Use Classes Order, and the report concludes that CLG ought to conduct further research into the effects that this would have. Such legislative changes have already taken place in Northern Ireland in 2004. This is one of the key areas where many community organisations feel that Local Authorities could obtain tighter planning controls, assisted by the correct Policies, in order to realise the objectives of sustainable, cohesive communities.

1.0 Purpose of this Report

- 1.1 This report is intended to update Plans Panel Members on the recent work carried out for Communities and Local Government (CLG) in relation to Houses in Multiple Occupation (HMOs). ECOTEC Research and Consulting Ltd have now produced a final report for CLG outlining their research, findings and recommendations. For information, a full copy of the final report can be viewed by following the web link:
<http://www.communities.gov.uk/publications/planningandbuilding/evidencegatheringresearch>
- 1.2 This report also aims to advise on what the implications of ECOTEC's findings are for Leeds.

2.0 Background Information

- 2.1 In Leeds, the larger part of the student population live in shared houses, forming part of the traditional housing stock. This is often housing which may well otherwise be used for family housing. Despite planning policies and initiatives which try to deal with the effects of student developments in the locality, one of the key overriding problems is that the vast majority of student accommodation requires no planning permission to be used in the nature that it is (i.e. to accommodate six individuals or less). Where the Council has tried to pursue enforcement action against what are considered to be unauthorised HMOs, appeals have often been allowed on the basis that the property arguably still functions as a single dwellinghouse. This undermines the Council's Policies and initiatives to try and improve local environments and create more sustainable communities.
- 2.2 A large proportion of the student accommodation is concentrated in inner north west Leeds, particularly in the Headingley and Hyde Park and Woodhouse Wards. Local residents, and in particular Leeds HMO Lobby, have made repeated representations to the Inner North West Area Committee, who have requested that the Council should lobby for legislative change. Leeds HMO Lobby is part of the National HMO Lobby, which has been campaigning for a number of years on issues affecting communities with high concentrations of HMOs. Through the exchange of ideas between the HMO Lobby and officers, a paper was presented to the Core Cities group, of which Leeds is a member. It was agreed that Leeds and Nottingham, who share similar issues with student HMOs, should write jointly to CLG to offer solutions. In addition, contact was made with the Local Government Association (LGA), Planning Advisory Service and the Planning Officers Society. Through the process of lobbying, officers have sought to keep Members abreast of progress, in addition to Leeds North West MP, Greg Mulholland, who is also a member of the All Party Parliamentary Group for Balanced and Sustainable Communities, which has an interest in HMO issues.

The 'Northern Ireland Model'

- 2.3 In the joint letter from Leeds City Council and Nottingham City Council, it was suggested that CLG should consider an approach similar to the 'Northern Ireland model'. The approach taken in Northern Ireland has long been advocated by the National HMO Lobby. In Northern Ireland, the definition of an HMO is the same in both Planning and Housing terms. Furthermore, the Planning (Use Classes) Order (Northern Ireland) 2004 defines HMOs as being Sui Generis. This approach means that HMOs are more clearly and tightly defined and planning permission is required to change a use to and from them. This would give much greater control to Local Planning Authorities over the future development of HMOs.
- 2.4 In Northern Ireland, the existing use rights were conferred to those properties newly defined as HMOs. As such, only properties being used as HMOs post 2004 are subject to planning control.
- 2.5 In order for the above to work in England and Wales, this would firstly require the re-definition of HMOs in planning legislation to the definition provided in the Housing Act 2004, which defines an HMO as an entire house, flat or converted building which is let to three or more tenants forming two or more households, who share facilities. Secondly, HMOs would need to be removed entirely from Class C3, either by being deemed Sui Generis, as above, or by adding an additional Class C4. The benefit of this approach is that it would deal with HMOs in their entirety, counteracting the argument that such an approach is seeking to discriminate against students.
- 2.6 Whilst concentrations of students in HMOs is the primary issue in Leeds, the above approach would have significant benefit to many other towns and cities across the country, such as market and coastal towns with high concentrations of HMOs.

3.0 Main Issues arising from the ECOTEC research

- 3.1 ECOTEC Research and Consulting Ltd were commissioned by CLG to carry out an evidence gathering exercise to review the problems caused by high concentrations of HMOs. The purpose of the evidence gathering exercise was to:
- Identify good practice in areas that manage to cope relatively well with high concentrations of HMOs (particularly those occupied by students who tend to be transient, thus potentially causing problems around community cohesion and survival of community facilities),
 - Test whether these ideas could have a wider application in those areas that are having more difficulty with such issues and
 - Determine whether (and if so what) planning policy is a suitable lever to tackle these problems.

- 3.2 As part of their work, a series of five focus groups with interested parties were set up to obtain a more in-depth understanding of the issues faced in each of the particular localities. The focus groups were held in areas that were currently experiencing issues around high concentrations of HMOs and student populations, including Leeds, Nottingham, Southampton, Loughborough and Exeter.
- 3.3 Given that Leeds was one of the five focus group areas, Leeds City Council has been significantly involved in the evidence gathering exercise and made strong representations with regard to the need for legislative change, in addition to the initiatives that are already in place. Specifically, ECOTEC carried out a number of interviews with local stakeholders including Council officers and held a workshop with the Council's Shared Housing Group. The existence of this multi agency group was one of the areas where Leeds was praised in the final report. This work culminated in a seminar session held at CLG's headquarters, attended by officers and members of Leeds HMO Lobby.

Findings of the research

- 3.4 CLG have now issued their final report, which contains the observations and recommendations made by ECOTEC, following the evidence gathering exercise. The report considers the arguments put forward by all of the stakeholders and the existing local level initiatives. The report states that there is much good practice and organisations in Leeds are praised in a number of areas, as illustrated in the table at **Appendix A**, extracted from the report. The text of the report specifically highlights initiatives such as Leeds City Council's 'Area of Housing Mix' Policy, a dedicated Community Planning Officer, 'To Let' board controls, the Shared Housing Group and Shared Housing Action Plan (SHAP). Whilst the report refers to the 'Area of Housing Mix' as an area of good practice, it is however disappointing that little support has so far been received by the Planning Inspectorate through appeals against the refusal of planning permission.
- 3.5 The report goes on to suggest a number of options as follows:
- Option one – do nothing,
 - Option two – promote the use of non-planning related mechanisms and planning policy levers through wider dissemination, and
 - Option three – amend the Use Classes Order to provide a definition of HMOs and allow tighter planning controls over houses in multiple occupation.
- 3.6 The report acknowledges that many stakeholders consider that the existing initiatives only really deal with the symptoms of HMO problems, but do not deal with the causes. It is also recognised that many stakeholders consider that changes to the Use Classes Order are an essential part of trying to control the growth and location of HMOs in the future, as per the 'Northern Ireland model'. Nevertheless, it is also recognised that there are counter arguments to the above made by some stakeholders, particularly with

regard to avoiding any unintended consequences, such as increasing rents, undermining regeneration and creating resource pressures.

3.7 The report suggests that various actions can be considered in the short term and medium-term to long-term. In the short term, it is suggested that there should be:

- Wider dissemination of good practice.
- Monitoring of existing housing and planning powers to ensure that they are being adequately used – HMO licensing, Landlord accreditation, dedicated staff and the use of specific development plan policies etc
- A Task and Finish Group established by CLG to monitor the impact and effectiveness of current legislative powers and policies, identifying any weaknesses.

3.8 In the medium-term to long-term, should the evidence suggest that there is a need to consider amendments to the Use Classes Order, it is recommended that:

- Further examination into Northern Ireland's experience should be undertaken and an assessment made of how effective the measures have been.
- If legislative change is considered, attention must be paid to issues raised by stakeholders, including any unintended consequences, as mentioned above.

4.0 Implications for Council Policy and Governance

4.1 As previously outlined, the majority of the methods of good practice are already adopted by Leeds City Council and other stakeholder organisations. It is argued that these address the symptoms, but do not respond to the structural issues involved with community cohesion and demographic imbalance, which are the result of a high proportion of students. Therefore, the implications of this report for Leeds are associated with continuing to lobby CLG with regard to further designing and testing of any legislative changes as a specific short term action. Subject to any future changes to the Use Classes Order, the Council would need to draw up appropriate and robust development plan Policies to deal with HMO issues. We can of course identify any other areas of good practice that we can learn from and apply within the city.

5.0 Legal and Resource Implications

5.1 It is anticipated that officers, the Community Planner for Inner North West and groups such as the Shared Housing Group, Leeds HMO Lobby and other community organisations will continue to collaborate and assist with sharing good practice, as well as lobbying for legislative change.

6.0 Conclusions

6.1 The role of ECOTEC has been to undertake an evidence gathering exercise for CLG in order to review the problems caused by high concentrations of

HMOs. The report distils the issues and provides information on areas of best practice from the localities involved in the focus groups. Whilst the information on areas of good practice is useful, the report cannot go any further than to recommend that further research is carried out in relation to the Northern Ireland experience.

- 6.2 Leeds is often regarded by other local authorities as being at the forefront of good practice in dealing with the effects of high concentrations of HMOs. Clearly, despite these initiatives, there are still problems and so lobbying for legislative change is an appropriate course of action. Therefore, we must consider if there are any areas of good practice that we can learn from and also continue to lobby CLG, with support from the Core Cities, MPs, the National HMO Lobby and community groups, with regard to changes to the Use Classes Order, whilst being mindful of any unintended consequences.

7.0 Recommendations

- 7.1 Members are asked to note the contents of the report and comment as they feel appropriate. It is recommended that lobbying of CLG, MPs, the Local Government Association and other appropriate organisations continues in order to advance legislative change. Additionally, it is recommended that consideration be given to reviewing planning policy with regard to HMOs and student accommodation through the emerging Local Development Framework (LDF) process in order to ensure that we have robust policies in place.

Appendix A: Good Practice Checklist

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
Universities	University Housing Strategies	Leeds University Loughborough University	Guide the development of the University's accommodation strategy and its wider relationship with the community	The Strategy is aimed at easing the symptoms of demographic imbalance associated with concentration of student in certain areas of Leeds, whilst ensuring the provision of affordable, safe and accessible accommodation for students.	Collaborative working a range of stakeholders and a commons shared vision and shared priorities.	Yes. HEIs should be encouraged to make a clear statement concerning its housing responsibilities and its future development plans. Housing Strategies should be an integral part to the expansion plans of every HEI
Community Strategy		Leeds University	Sets out a commitment to work effectively to the mutual benefit of neighbouring communities in the Inner North West of Leeds – via open & transparent communication, promoting community cohesion and matching resources to community priorities.	The strategy has identified a number of recommendations in response to the growth in the number of students living in areas close to the University. The actions arising from these recommendations are being taken forward in partnership with other stakeholders.	Partnership working with stakeholders is a key requirement to take forward effective actions as well as a sustained and ongoing dialogue	Yes. Partnership working amongst all stakeholders is a key element.

Stakeholder	Type of initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Community Relations Officer and off campus wardens	Leeds University Loughborough University Oxford Brookes University Nottingham University Southampton University Southampton Solent University	To help address the problems associated with the high percentage of students living in neighbouring communities and to ensure wider community engagement; off-campus wardens or university security can sometimes access university database to see if students are registered at a particular address; can offer a response service to local residents, e.g. at night. Loughborough has also given a senior manager responsibility for community relations, to ensure issues are taken to the top of universities	Good way of channelling concerns from the community	Resources to fund a dedicated post	Yes.
	Neighbourhood Help lines	Leeds University Loughborough University	Single point of contact for issues raised by members of the community.		To be effective in needs to be a joint initiative in partnership with other stakeholders and responsive to residents' complaints.	Yes.
	Disciplinary Procedures for anti-social behaviour	Loughborough University Exeter	Agreements on behaviour on and off campus, with potential disciplinary sanctions; can also have mechanism for writing back to complainant, so keeping residents informed		Throwing students out of university is rarely used. More effective in towns or cities with just one university, so easy to identify which HEI student is from	Possibly

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Behaviour discussions	Southampton University	Discussions between university, student and local authority to discuss behaviour	Helps to come to a reasonable solution to the problems caused by individual behaviour. Shows severity of actions to students		Yes. Can build on the partnership approaches already in place between some universities and local authorities.
	Housing Awareness Weeks	Solent University	Increase awareness among students, can include promoting accredited properties or how to be a good neighbour for students	Deal with the issues of anti-social behaviour and help to encourage students away from areas where there is an existing concentration.		Yes, most Universities interviewed had similar mechanisms in place.
	Information sharing	Exeter	Sharing information on student properties between the local authority and university	A useful early step in understanding where the concentrations are	Data protection issues	Yes
Student Unions	Promoting awareness of community cohesion	Most student Unions in collaboration with HEIs Loughborough "Silent Student Happy Homes"	Student Accommodation Handbooks	To guide students when seeking accommodation, to encourage students to consider alternate areas for accommodation and to make them more aware of the responsibilities of being good neighbours	Collaborative working between the student unions and HEI as well as wider stakeholders. The necessary resources to deliver the initiatives.	Yes, these types of initiatives can be applied across all Universities and Student Unions.
	Promoting volunteering among students	Solent University	Engaging students in voluntary work, often in the local community	Limited effectiveness, though will increase student awareness of their local area and can increase community engagement between long-term residents and students		Yes, but also to promote this work further, as few residents will be aware of this

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
Housing Providers/ Accommodation Agents	Landlord association sessions on studentification Unipol	Southampton Leeds Nottingham	Make landlords aware of issues Drive up property standards; provide clear information on the market to students and their parents, the local authority and landlords; provides a code of standards, which is higher than the statutory minimum		Just better landlords generally involved in landlord associations Cost to introduce and possible capacity constraints for Unipol	Yes Yes
	Landlord association code of practice	Exeter	A code establishing property standards and ethics, with the possibility of sanctions for offenders		Probably limited impact, as it is often the better landlords who are members of landlord associations	Possibly
All Stakeholders	Target Walksafe Scheme	West Yorkshire Police	Initiative runs at the start of the academic year and aims to ensure that student receives advice regarding the safest routes home		Co-ordinating approaches to student safety and Partnership working between the Police and the Universities and Student Unions.	Possibly

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
Residents	Shared Housing or Community Strategies	Leeds and Loughborough	Joint strategies and action plans to co-ordinate stakeholders activities and to priorities activities.	Very effective in providing a co-ordinated and partnership approach to implementing shared actions. However, stakeholders argue that the various initiatives were only dealing with the symptoms and not the causes.	A commitment and shared vision from all stakeholders is required to take forward a partnership approach. Need to have the right people/organisations on board. The process can be resource intensive in developing and taking forward a shared approach.	Yes.
Residents	Partnership working	All areas visited	Voicing resident concerns; reporting particular issues; providing evidence; identifying appropriate agencies and individuals to contact	Important part of work	Much of the early discussions are reported to be residents letting off steam rather than talking about positive solutions	Yes
	Speaking at Freshers' Week	Loughborough	Engage students with long-term residents; offer long-term residents something constructive to do, raise student awareness of their local area			Yes, Could be taken on board by other Student Unions where this is an issue.
	Welcome packs	Exeter	Provide information to students about the local area; start to engage students with long-term residents		Cost	Possibly

Stakeholder	Type of initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
Local Authority	Landlord accreditation scheme	Southampton Nottingham	To bring up the property and management standards of private rented properties, often among student landlords but sometimes more widely. Sometimes run training on relevant issues (eg property standards)	Most effective in bringing up property standards	Often self-certification of properties, as schemes do not have the resources to inspect all properties. They are voluntary schemes, so not all landlords will become accredited	Often run in association with universities or through AUNK for student properties or carried out regionally for smaller authorities
	Community charters	Safer Polygon Charter, Southampton	Asking residents to sign up to a charter around noise, rubbish, parking and other forms of acceptable behaviour; possibility of informing university if charter is breached		Dependent on individual residents to sign up to charter	
	Balanced Community Policy	Nottingham	Can benefit from gaining cross-party support among councillors			
	Supplementary Planning Guidance promoting purpose-built halls	Nottingham Loughborough Exeter	Encourage the growth of purpose-built halls of residence by private firms to house students in designated areas; attempting to take the strain away from other areas. Can also be used as part of wider regeneration initiatives	Probably more closely managed than traditional HMOs	It still leads to a concentration of students where the halls are located	Yes

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Neighbourhood action weeks	Loughborough	Provide interaction between long-term residents and students; additional waste collection; tidying up area; makes street look better, as it get local people to take better care of their area			
	Police Community Support Officer	Loughborough	A role funded by the LA and university for particular areas			
	Street Scene	Leeds	Targeted cleaning initiative in Headingley.	Not that effective as the initiative is targeted at key times during the academic year such as end of term and end of year. To be effective it would require the service to be targeted on a permanent and regular basis.	Resources are a constraint as would require the Cleansing Services for the entire City to be focused on Headingley.	A similar targeted approach is used in Loughborough at peak times during the academic year.
	Fly posting Initiative	Leeds	To control fly posting in and around Headingley. The City Council has issued a contract to a company who provide drums located in Headingley where fly-posters can be displayed. Fly posting is prohibited elsewhere.	The scheme has been successful by discouraging posters to be plastered on buildings, bus shelters etc.	Resources associated with overseeing the contract etc.	Yes.

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Flyer Control Zone	Leeds	The City Council has imposed a requirement for all businesses to require a licence to distribute flyers. This initiative aims to curb the amount of flyers that are handed out and on the spot fines are imposed for any one without a licence.	The scheme has reduced the number of flyers handed out and a knock on effect is a reduction in the amount of litter.	Resources to co-ordinate and manage this initiative.	Yes
	Skips at the end of academic year	Loughborough	Provide skips in student areas at the end of the academic year for bulk of rubbish	Effective in minimising rubbish on streets	Cost	Yes
	Student/HMO forum	Nottingham Loughborough Exeter	Bring together all the different parties involved, often with people at a high level; gets residents involved in decision-making.	Important for taking ownership of the problems and getting different agencies involved	Much of the early discussions are reported to be residents letting off steam rather than talking about positive solutions	Yes
	Cumulative Impact Policy	Leeds	Where pubs/takeaways apply to extend their opening hours, this policy allows the Council to resist applications on the grounds that the cumulative impact of these premises would be detrimental to the local area.	This initiative was previously used in the City Centre and on the back of this has since been rolled out to Headingley and eventually other parts of the City where problems are experienced.	Will require the development of a policy through Environmental health powers and will require enforcement.	Yes

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Designated Public Places Order (DPPO)	Leeds	The order bans public drinking in Headingley.	The scheme reduced the level of drinking that previously took place outside of the bars/pubs in the local area and the nuisance associated with this.	This initiative has been adopted by many local authorities across the Country particularly in towns and city centres.	Yes
	Area of Restraint	Leeds Belfast	Identifies and designates an area whereby restraint mechanisms are placed upon certain forms of development i.e. Student housing or HMOs.	Leeds City Council Policy Area of Housing Mix (Policy H15) of the UDP. Started to encourage more purpose-built student housing outside the Area of restraint.	The effectiveness of these policies to control the concentration of student housing and in particular HMOs relies upon the need to have adequate policies in place. However, many local authorities and stakeholders felt that despite having policies in place their effectiveness could be undermined particularly on appeal unless the current Use Classes Order was amended to redefine HMOs and make them subject to planning permission.	Yes. It is argued that the LDF process do need to be put in place. However, the effectiveness will be influenced by Inspectors' decisions at both Inquiries and on appeals.
	Threshold Policy	Nottingham Oxford Charnwood Glasgow	This policy approach aims to reduce the concentrations of HMOs by imposing a ceiling threshold upon which planning applications will be resisted.	It is too early in the day to determine the effectiveness of this approach and the successes to date varied across local authorities.		

Stakeholder	Type of Initiative	Examples of who has adopted this approach	What is the Purpose/Role of the initiative	How effective in dealing with the causes/symptoms of high concentration of HMOs and populations.	What are the Barriers/Constraints to implementation	Is there potential for Wider Application
	Purpose-built Student Accommodation	Leeds Nottingham Loughborough	Support the development of purpose-built accommodation and its location away from established residential areas.	A substantial number of schemes have been developed in recent years and have tended to be private sector-led and through joint ventures with HEIs/PRS. Schemes have been promoted in areas which promote regeneration. However, to be effective they need to be located in areas with adequate supporting infrastructure such as public transport and local services and close to University facilities.	The location of these schemes needs to be carefully handled so as not to impact upon existing residential communities or increase polarisation.	

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The Private Rented Sector: its contribution and potential

Julie Rugg and David Rhodes

EXECUTIVE SUMMARY

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The private rented sector: its contribution and potential

EXECUTIVE SUMMARY

Introduction

The Review of the private rented sector (PRS) has taken place in the context of change for the sector. The long decline of the PRS has started to reverse, and the sector has begun to increase in absolute size and in terms of the proportion of households it accommodates.

Attention has become focussed on the capacity of the sector to meet a range of housing needs. At the same time there has been acknowledgment that the sector presents a number of policy challenges relating to such issues as property quality, management standards and security of tenure.

The Review has addressed the broad terms of reference set by Communities and Local Government by completing two principal tasks: detailed analysis of large-scale datasets, and an extended series of stakeholder meetings. Data analysis has underlined the highly complex nature of the PRS and the stakeholder meetings have helped to clarify issues around the efficacy of existing policy relating to private renting, and the need for further intervention.

At the heart of the Review is the desire to see private renting as a less marginal, poorly-regarded 'third' option that sits behind the preferred tenures of owner occupation and social renting. The Review concludes with a series of recommendations on policy 'directions of travel' that seek to maximise the full potential of the PRS as a flexible, well-functioning element of England's housing market.

Contribution

The first section of the Review describes in detail the composition of the PRS and the contribution it makes to the spread of housing options in England. In terms of supply, a great deal of commentary has become attached to the impact on the PRS of buy-to-let mortgages, which are supposed to have led to a proliferation of new landlords. However, data indicate that 46 per cent of gross advances of buy-to-let mortgages in 2007 were remortgages: existing landlords were taking the

opportunity to refinance their portfolios on more favourable terms. However, the proportion of smaller landlords in the market *has* grown, as has the degree of investment intent amongst all landlords.

Many people will have some experience of renting privately during the course of their lives. Private renting offers a multitude of roles in housing biographies across the whole social spectrum, serving as a first port of call for new households, a 'bolt-hole' when housing circumstances change, a stopping-off point as people change jobs and move house, and – for many households – a long-term home. Twenty-one per cent of private renters had been living at their current address for five or more years. However, 'churn' in the PRS is high, reflecting the short-term nature of many of the uses of the PRS: 40 per cent of PRS households had been living at their current address for less than twelve months.

The PRS is complex, and perhaps best understood through mapping its constituent niche markets. These markets can be defined in terms of demand and supply characteristics, distinctive rental practices and – in some cases – specific types of central policy intervention that shape the way the sub-market operates. Policy for the PRS has to take into account the interaction of these sub-markets at a local level.

Distinct sub-markets include

- *young professionals*, whose presence in the PRS reflects a complex amalgam of choice and constraint;
- *students*, whose needs are increasingly being met by larger, branded, institutional landlords;
- *the housing benefit market*, where landlord and tenant behaviour is largely framed by housing benefit administration;
- *slum rentals* at the very bottom of the PRS, where landlords accommodate often vulnerable households in extremely poor quality property;
- *tied housing*, which is a diminishing sub-sector nationally but still has an important role in some rural locations;
- *high-income renters*, often in corporate lettings;
- *immigrants* whose most immediate option is private renting;
- *asylum seekers*, housed through contractual arrangements with government agencies;
- *temporary accommodation*, financed through specific subsidy from the Department for Work and Pensions; and
- *regulated tenancies*, which are a dwindling portion of the market.

The configuration of sub-markets will vary from area to area: even neighbouring boroughs may have very dissimilar private rental sectors.

The complexity of the sector has to be appreciated in any policy development, and underpins discussion of the obstacles and issues that attach to the PRS fulfilling its potential.

Potential

The Review addresses a number of areas where the sector is reportedly under-performing.

Delivering new and affordable property supply

The need to accommodate an increasing number of households is a concern that is central to government housing policy, and attention has been focussed on the growth of the PRS. However, it remains to be asked how far the sector has provided a framework for bringing new housing to the rental market, or whether its expansion has been largely a consequence of absorbing existing property from other tenures. Data on this issue are not readily forthcoming. Despite the popular imagery, there are few data that firmly link buy-to-let mortgages with new-build property, although there is some evidence that this kind of mortgage is more likely to be used to purchase property built post-1964. It is possible that where the PRS is generating new property, the property tends to be in sub-markets where high-density build is appropriate. For example in the student sub-market, institutional investments are bringing new bedspaces through the building of large private-sector halls of residence.

The industry has argued for alteration in planning regulations that would actively require a certain amount of properties to be let on the rental market. This argument is generally proposed on the understanding that the sector should 'grow', although targets and objectives for this growth are rarely forthcoming.

With regard to affordability, it could be argued that the sector has been successful in meeting the housing needs of 'intermediate' households, whose income means that they are unable to afford owner occupation, but who are not in a priority group for social housing.

Securing higher levels of institutional investment

The desire to secure higher levels of institutional investment for private renting has become a mantra for much of the industry, and has captured support from tenant representatives persuaded by the argument that institutional landlords will be,

performer, more professional landlords. It is argued that the 'cottage industry' PRS is volatile, tied as much of it is to the mortgage market and to the financial probity of individual landlords, and there is a need for a better taxation vehicle to lever in larger-scale investment to the PRS.

There is a long history to the attempts made to frame taxation regulations to effect large-scale institutional investment. The Review concludes that much of this debate reflects the attempt to construe residential letting as commercial letting, when in reality the two sectors are very different. The residential market has, at present, very few large landlords operating at a scale where major institutional investment is appropriate. Policies should therefore concentrate on helping good landlords of all sizes to expand their portfolios. It is important that this policy should include smaller landlords, since the larger landlords generally grow through portfolio acquisition. Suggestions include changes to stamp duty and to capital gains tax, to encourage portfolio development.

The Review also concludes that small-scale landlordism does not necessarily mean financial instability. Data indicate that many 'cottage industry' landlords are in a good financial situation: the majority have low loan-to value-ratios and many have unmortgaged properties. Small-scale landlordism is also characterised by a great deal of uncosted 'sweat equity', with landlords tending not to factor into their rents their time spent managing property. Larger institutional landlords, by contrast, have higher management costs and even where there are economies of scale, these costs will always constitute a substantial proportion of the gross to net reduction in their rental yield.

'Professionalising' rental housing management

One of the more frequent criticisms of the PRS relates to the quality of landlord management. However, poor management has to be judged in terms of intent: very many landlords operate professionally, but some landlords simply do not consider letting to be an activity that requires regulation, and other landlords – a very small proportion – wilfully act illegally. It is not possible to judge how many landlords fall into these three broad categories, or even to estimate the incidence of poor management practice. However, three quarters of private tenants were either very or fairly satisfied with their landlord.

Market forces do not adequately 'police' management quality in the PRS, since there is an excess of demand for rental property at the bottom of the sector. In general, the task of policing is spread amongst a number of agencies including different local authority officers, other statutory agencies including HM Revenue and Customs, the police and the industry itself. Local authority Environmental Health Officers carry the principal responsibility for policing the sector, but there is

dissatisfaction with the level of priority and therefore resources afforded this activity by local authorities.

A number of suggestions have been made to increase levels of professionalism amongst PRS landlords. It is thought that increasing the numbers of corporate landlords or increasing the use of managing agents would effect better management standards. However, tenant satisfaction levels are not necessarily higher amongst tenants of larger landlords. Managing agents are unregulated, and there is widespread dissatisfaction with their standards. Indeed, there have been calls for mandatory licensing of this part of the sector.

Accreditation carries the potential to improve better management practice amongst landlords who are already seeking to operate in a professional fashion. The expansion of accreditation schemes would lead to the possibility that market advantage would more readily attach to accreditation, as has been the case to some extent in the student rental sub-market.

Compulsory registration of landlords has already been introduced in Scotland, and there are calls to have similar regulation in England. However, the Scottish regulation requires landlords to meet 'hurdle' criteria, and the dissatisfaction with the process has become evident amongst landlords subject to delays in processing.

Overall, it is generally concluded that a patchwork of policing activity is suitable given the fractured nature of housing supply, but the current regulatory framework is not effective in allowing local authorities to target and sanction the small minority of wilfully bad landlords.

Improving property quality

Property condition in the PRS has been improving over time, but is still worse than in either social housing or owner occupation. Fifty per cent of private rented property failed to meet the new decent homes standard. Households in receipt of at least one of the main means-tested benefits were more likely to live in properties failing to meet the decent home standard incorporating the housing health and safety rating system.

The economics of poor quality property is not well understood. Analysis of rental yields indicates that yields are higher on property in poorer condition, although these yields are reduced when voids and bad debt by tenants are taken into account. However, it is uncertain how landlords formulate their strategies on repairs and maintenance: EHCS data indicate that expenditure on property repair is not necessarily targeted on the properties most in need of repair, and landlords are not always knowledgeable about whether their properties meet statutory requirements.

There are further obstacles to improving property standards. The PRS contains more older stock than other tenures, and the average cost of repairs to bring units up to standard is higher than for owner occupation and social housing. There is scope for reviewing taxation frameworks around property improvement and consider the removal of any disincentives: for example, immediate tax relief is not available on improvement works and landlords have to wait until they sell property, to gain relief against Capital Gains Tax.

For many commentators, improvement to property standards will only follow if there is an extension to the regulatory regime. There are suggestions that all properties should be licensed. This measure would increase substantially the task of policing the sector by local authorities that are sometimes failing to meet existing mandatory requirements under the Housing Act 2004. The task of inspection and enforcement could be absorbed by accreditation schemes, which in some cases have been successful in improving property standards in some sectors of the market. There is scope for considering an enhanced role for managing agents, provided such agents are themselves strongly regulated. According to the 2006 EHCS, 41 per cent of dwellings where a landlord had used an agent were 'non-decent'. If it became mandatory for agents only to deal with properties meeting the decent homes standard, then much of the task of policing the wider market PRS would be absorbed.

A further suggestion is the introduction of competition amongst landlords for tenants at the bottom end of the sector. If tenants on housing benefit had access to a wider selection of properties then landlords owning the very worst quality accommodation would be pushed out of the market. Changes to the benefit regime, to introduce universal assistance with deposits and rent in advance, would mean that more landlords would be willing to accept tenants on housing benefit.

Providing sustainable tenancies

Security of tenure is an issue that is central to any discussion of private renting. A number of commentators consider that the PRS provides only insecure, short-term housing: assured shorthold tenancies (ASTs) mean that tenancies turn over frequently, and tenants have little protection against landlords seeking eviction.

Analysis of the PRS for the Review has indicated that many of the uses of private renting are essentially short-term in nature. This fact distorts the data on 'churn' in the PRS. Some parts of the sector are more stable than others. For higher income groups, stays in private renting can be for very short periods. For the lowest-quartile income group, 36 per cent had stayed at their current address for five years or more.

A series of changes has been suggested to the existing tenancy framework. A strong lobby has arisen around the incidence of so-called 'retaliatory eviction', whereby a

landlord seeks to evict tenants because they complain about property repairs. However, it is difficult to pinpoint evidence that this practice is extensive. The suggested change – that the ability to serve a s21 notice should be prohibited to landlords who have received a complaint from a tenant – does not necessarily deal with what is essentially a symptom of very poor landlord management practice. A more effective approach might be to create a framework where it is more likely that this kind of landlord can be removed from the sector altogether.

It has also been argued that ASTs means that tenancies are short, and tenants obliged to move around 'every six months'. Data evidence indicates that just over half of AST tenancies last at least a year, and a fifth last three years or more. Nevertheless, tenants seeking a long-term tenancy may feel themselves to be insecure in the PRS.

Simplification of the legal arrangements has been suggested by the Law Commission, and there is some support for their recommendation that tenancy agreements should be remodelled, to become more transparent consumer contracts where tenancy terms are agreed at the outset between landlord and tenant. Although there is wide support for this principle, there is concern about the accompanying proposal that the six-month 'moratorium' on eviction offered by the current AST would be dropped.

The industry generally favours continuation of the current tenancy framework, although landlords themselves often favour tenants that seek longer tenancies. However, ASTs remain attractive to landlords because this kind of tenancy mitigates the perceived risk of letting to a tenant who then fails to pay the rent or damages the property. For many tenants, an assured shorthold tenancy suits their purposes, since only a short-term stay in a particular rented property is generally anticipated. The majority of tenancies are ended by the tenant themselves.

However, problems arise for the substantial proportion of households seeking a longer home in the tenure. Attention paid to the legalities of tenancy agreements has distracted attention from exploring the issue of *why* tenancies end against the wishes of the tenant, because it is assumed that – in the PRS – tenancies generally do. In actuality, tenancies fail for specific reasons, such as rent arrears, poor quality property making a tenancy unsustainable and issues relating to anti-social behaviour. It is perhaps more appropriate to focus policy intervention on these reasons for tenancy failure, rather than on a tenancy framework that appears – for the most part – adequate for purpose.

Homelessness prevention and discharging homelessness duty

Recent years have seen the convergence of two policy threads. First, since the late 1980s there have been a number of initiatives that aim to prevent homelessness

amongst 'non-statutorily' homeless households by easing their access to private sector tenancies. Deposit guarantee schemes are perhaps the most notable development. Second, and more recently, local authorities have been seeking properties in the PRS to help deal with their responsibilities to eligible, unintentionally homeless households under homelessness legislation.

It is often argued that it is feasible to expect the PRS to expand to meet additional demand for property from low income and/or homeless households. Indeed, the PRS has a distinctive housing benefit sub-market. However, there are questions that relate to capacity. Landlords can be very reluctant to deal with households in receipt of housing benefit, and as a consequence there is a substantial amount of unmet need for accommodation in the housing benefit sub-market of the PRS. The level of need is evidenced by the range of incentives that have been developed to encourage existing housing benefit landlords to expand their portfolios and to induce wider-market operators to enter the sector. Incentives can include expensive leasing arrangements, which tie statutory authorities into arrangements to guarantee rental payments to landlords over three or five years, irrespective of whether their properties are tenanted.

Furthermore, increased use of the PRS to provide long-term accommodation for eligible, unintentionally homeless households will probably impact on the supply of property to households for which there is no such responsibility. This group – including for example, single people or young couples without children – have always relied on the PRS as the principal source of accommodation. Statutory agency interest in the PRS introduces a further level of competition for property at the bottom of the sector, particularly if those agencies introduce incentives for landlords to let to particular nominated households.

Leaving to one side questions about the ability of the sector to meet demand for property at the lower end of the PRS, there are questions about tenants' ability to pay the higher rents that are charged in the sector. Overall in England, spending per recipient on housing benefit in the PRS was £98.51 per week, compared with £65.38 per week where the tenant was in a local authority property. Furthermore, there are more acute work disincentives operating where a tenant is in receipt of housing benefit in the PRS, as a higher income is required to shift a household off benefit dependency.

In addition, it could be argued that a tenancy in the PRS would not be regarded by tenants as a housing 'offer' equivalent to a social housing tenancy. Tenant satisfaction with social housing can be low: for example, the presence of drug dealers and users, litter and rubbish in the street and troublesome teenagers/children were more likely to be regarded as a 'serious' problem by social housing tenants. However, the perceived problems with property quality, security of

tenure and affordability all play a part in persuading tenants that the PRS provides – at best – an insecure home.

Managing 'problem' private renting

A number of tools are available to local authorities to manage the incidence of problems that might emerge where there are particular concentrations of rental demand in a given area, and the Review considered responses to student housing, to 'slum' landlordism and to migrant worker overcrowding.

The concentration of student rentals in the vicinity of higher education institutions has attracted a great deal of policy attention. It is argued that student renting 'destabilises' communities, 'prices out' owner occupiers and first-time buyers in particular, and subjects longer-term residents to noise and rubbish nuisance. However, census data demonstrate that intensive student habitation is not common: there are more than 8,000 wards in England, and of these just 59 had student densities where a student household reference person comprised ten per cent or more of all household reference persons in the ward.

Despite the low incidence of this problem, lobbyists seek a change to the Use Classes Order, which would allow local authorities to effect tighter control of HMO numbers and so limit student housing numbers in a given area. However, it could be argued that many of the 'housing' problems being described are in fact policing issues. There is a general willingness to use criminal sanction to contain anti-social behaviour when it is connected with deprivation and social exclusion on social housing estates. However, there is an understanding that student behaviour – however threatening, damaging or disruptive – should stand outside the law. In addition, it could be argued that much of the 'environmental' anti-social behaviour is adequately covered by existing environmental health regulations, providing local authorities choose to prioritise this problem.

Leaving these issues to one side, there has to be a 'common sense' acknowledgement that demand for property from students and higher education staff will be a consequence of the presence of a higher education institution in a particular locality. If student demand was not spatially concentrated in houses in multiple occupation, then demand for property would be even more intensive, and students – unable to live within walking distance of their place of study – would seek alternative transport provision. It is perhaps also worth remembering that higher education institutions are deemed to be so beneficial to the local economy that the government is seeking to establish twenty new higher education centres as a means of effecting area regeneration and job creation.

'Slum' landlordism is evident in many localities, where the concentration of very low quality rental creates an area of high-turnover tenancies. Local authorities in some

areas have used selective licensing as a way of dealing with these areas. More could be done to share experiences of the use of selective licensing, and perhaps some change could be made to the regulations to 'uncouple' the provision that this measure is only applicable in areas of low demand.

For many local authorities, migrant worker overcrowding has become a problematic feature of the local PRS. This is particularly the case when increased and intensive demand for rental property has become evident over a very short period of time. Overcrowding can lead to public health issues. Problems in framing appropriate policy solutions are compounded by the fact that the housing and labour market linkages can be closely intertwined. For example, migrant workers might be living in tied accommodation; their presence might be very necessary to a seasonal economy; and the workers themselves might be choosing to over-occupy so as to minimise their housing costs. Best practice guidance appears to be lacking for local authorities dealing with the problem.

Underlying much of this discussion is debate on the way that local authorities approach the task of 'managing' the PRS. There was general agreement that appropriate tools were available, providing that local authorities were in a position to resource PRS-related activity. The Audit Commission inspection regime indicated that local authorities did not score with regard to their PRS responsibilities. Aims for strategic management of the PRS tend to be framed in terms of containing demand for private rented property, and assessing how far the local market had reached a defined 'tipping point' in the number of shared properties in an area.

A better approach might be to assess reasons why a particular area might have a highly transient rented population. In some locations, the transience might simply reflect the roles that the PRS in a given location is playing in supporting the local labour market. Greater attention needs to be paid where the transience reflects the inability of a low-income households to settle in the PRS.

Policy directions of travel

The report concludes by outlining six policy 'directions of travel'. These policy areas are largely thematic, and relate to underlying trends in the 'issue-based' chapters of the Review report.

First, the report underlines the need for development of **a sound evidence base**. A great deal of policy is devised on the basis of poor-quality evidence produced by industry or tenant lobby groups. A firm understanding of the PRS and the way it operates tends to be lacking amongst policy makers at a national level and officers implementing policy at a local level. Transference of knowledge on the PRS is poor across government departments, which is reflected in a lack of co-ordination at a local level. As a priority, the government should review information collected

through the national data sets to ensure that more pertinent questions are asked of landlords and tenants.

More policy is needed to encourage **a better understanding of managing rented housing**, amongst landlords and managing/letting agents and amongst local authorities devising strategies for addressing issues in the PRS. Managing agents should be subject to mandatory regulation to ensure better quality management standards, and registered social landlords should be encouraged to enter the marketplace and sell their rental management skills to private landlords and property investors.

The government should devise initiatives to **'grow' the business of letting**, encouraging smaller, good landlords to expand their portfolios and move into the business of letting full-time, and helping larger corporate landlords to increase their lettings and so attract higher levels of institutional investment. Changes to the tax regime should be framed to encourage landlords to view their letting activity as business rather than investment activity, and buy-to-let mortgages should be available subject to business planning and the inclusion of strategies to protect tenants in the event of a default on mortgage payments by the landlord.

Low-income households should be able to make a real choice between a social or private let. **Equalising the rental choice** should be the aim of a series of policy objectives, to ensure that a PRS tenancy can be viewed as being equally desirable by households who would generally look to the social sector for long-term housing. Tenancy sustainability should be a core PRS policy objective. Social lettings agencies could be established to deal with all the private renting procurement required by statutory agencies in a given area. These agencies should charge a standard management fee, and move the housing benefit market away from a culture of 'incentive inflation'.

The existing regulatory framework does not offer sufficient sanction where landlords openly contravene regulations. **Light-touch licensing and effective redress** can encourage local authorities to target the very worst landlords, by ensuring that effective sanctions are in place. A permit or licence would be required by all landlords, but would be available without any hurdle criteria on payment of a small fee. Nationally administered, the licence would be revoked if the landlord did not meet statutory requirements on housing management and quality. The licence fee income would finance the establishment of an augmented system of housing redress.

There is insufficient evidence that existing **tenancy frameworks** are problematic. Many of the foregoing measures will lead to private letting being regarded as a less risky activity by both landlords and tenants.

Conclusion

The PRS is a key component of the housing market in England. The flexibility of the PRS needs to be protected, and policy interventions should flow with the market rather than seek to change its essential characteristics.

High-level co-ordination of policy between government departments would contribute to the task of framing a 'cross-departmental' culture for local-level intervention in the PRS. A Ministerial statement of intent would help to underline the importance of the sector to the operation of housing and labour markets, and encourage local authorities to seek a 'private rented' dimension to National Indicators.

Use of the PRS to accommodate more households on low incomes must follow from rather than drive initiatives to improve private renting: when the sector is seen as an affordable, secure environment in which to make a long-term home, there will be little need to devise policies to encourage households into private renting.

The Review of the private rented sector benefited substantially from being an independent exercise. Communities and Local Government provided broad terms of reference, but the structure and final conclusions of the report remain the authors', as do any errors or omissions.

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