

Written evidence submitted by Durham Students' Union

Submission on Reforming the Private Rented Sector

Executive Summary

- Proposed changes to contracts, regulation, mediation and the introduction of an up to date Decent Homes Standard (DHS) should come together to create significant positive impact on the lives of student tenants, not only in terms of improving the quality of housing, but also in terms of their ability to identify, and resolve, issues in their housing across the Private Rented Sector (PRS). Our own, and other national-level, investigations have shown alarming deficiencies in student housing standards which these proposals go a significant distance towards constructively addressing.
- The proposals as issued are a significant positive step, however they could be made even more effective through the consideration of students a specific group of significant size and distinct interests, as well as needs, within the housing sector. Consideration should also be given to some of the issues peculiar to students' needs which may merit further examination, such as a tenant-led decision around individual over group contracts for some housing, or a tenant-led decision to choose a limited-time contract over a rolling tenancy for purposes of their own convenience.

1. Introduction

- 1.1. [Durham Students' Union](#) (Durham SU) represents the more than 20,000 students of Durham University to champion their interests and protect their rights. We work directly with the University to further these aims in a variety of ways, and have a broad range of mechanisms to enable students to express their opinions, as well as operating a free and impartial [Advice Service](#), which offers housing advice amongst other things.
- 1.2. We are responding to this call for evidence in order to illustrate our organisational experience of supporting and representing students on housing matters, as groups and individuals. We will comment below on the national student housing picture, issues particular to Durham's student housing market, and respond in detail to some of the

questions posed by the committee in their call for evidence.

2. The National Picture

- 2.1. The National Student Accommodation Surveys across the years 2019-2022 demonstrate how student accommodation generally is in poor shape and suggests that reform of PRS is a dire necessity which would benefit students among others.
- 2.2. Firstly, the cost of accommodation is a major issue for students. On average, rent represents more than 50% of students' regular monthly spending¹ and increasingly, students rely on overdrafts and commercial loans² part-time jobs that prevent them from having a full university experience. While there are those able to seek support from parents – 30% of students in 2022 received an average of £2,288 – this is not always viable, where parents can't necessarily afford to help their children especially if they have more than one at a time in university.
- 2.3. Students should not feel trapped in accommodation which is unfit for habitation and feel unable to complain out of fear of a Section 21 eviction. Students in university cities can often feel pressured by a "housing rush" in the early part of the academic year and as a result often elect to take whatever housing is available, regardless of condition, for fear of missing out completely. This is evidenced by the fact that 49% of students look for housing between October and February, while 28% said that they were not planning on moving, while only 23% said that they would look between March and August³.
- 2.4. Research has shown that during the 2020-21 academic year, up to 30% of students faced a lack of water or heating, 26% damp reported damp in their accommodation and 15% reported rodent and/or pest problems, while 13% reported unannounced landlord visits, and 7% had no working smoke or carbon monoxide alarms. Even after leaving accommodation, problems did not stop for many; 19% reported difficulty getting deposits back despite schemes in place to assist, and critically 62% of students noted mental health difficulties as a result of problems with their accommodation, while 40% reported that their

¹ [How much does university cost? - Save the Student](#)

² [Student Money Survey 2021 – Results - Save the Student](#)

³ [National Student Accommodation Survey 2022 – Results - Save the Student](#)

academic work had suffered as a direct result⁴.

- 2.5. Support, such as Hardship funds⁵, are available through universities; however, this is not a solution in the longer term as it continues a situation rather than tackling the root causes, which include high-priced and low-quality student accommodation, much of which is provided by the PRS, and relies heavily on the ability of the universities themselves to issue financial support, which is not always possible.

3. Student Housing in Durham

3.1 Durham is a university city which presents with particular problems many bigger cities don't have. The census of 2011, the most recent for which data is available, showed that the population of Durham city was 48069⁶. Student numbers in the city in 2010/11 were 14071, and the University had around 1810 additional students in a satellite campus at Queens in Stockton⁷. In 2021/22 however, student numbers in Durham rose to 17765, with a further 3155 remote learners, some of whom will be in Durham from 2022/23 onwards⁸. This raises both pressure on housing availability but also the prospect of students accepting living in sub-standard properties, as can be seen in Appendix 1 below.

3.2 Of the 17765 students in Durham, 7975 were resident in PRS accommodation, while 7865 were in University-managed accommodation, 1765 in Purpose-Built Student Accommodation (PBSAs), with 160 in other accommodation such as private homes⁹. This demonstrates the importance of the PRS to Durham students, especially to undergraduates who are more likely to live in PRS housing during their second or third years, while University-managed and PBSA accommodation are dominated by first year undergraduates and single-year postgraduate taught students¹⁰.

⁴ [National Student Accommodation Survey 2022 – Results - Save the Student](#)

⁵ [Hardship funding for students doubled last year - BBC News](#)

⁶ [Census 2011 data - ONS](#)

⁷ [1.1 - Summary.xlsx \(dur.ac.uk\)](#)

⁸ Data made available to the SU by Durham University through FOI

⁹ Data made available to the SU by Durham University through FOI

¹⁰ [College accommodation: analysis and recap of University's accommodation plans – Palatinate](#)

3.3 The University and PBSAs in Durham do play a role not only in influencing cost across Durham's PRS market, but also in setting expectations of quality. In the case of University-managed accommodation, these rises are mostly in line with the retail price index (RPI)¹¹, however they can still be linked to rises in PRS rents during the same period, where University-managed accommodation is the largest single landlord in Durham. Quality has also proven to be an issue across all types of accommodation available to Durham students, with some alarming issues noted both in University-managed accommodation¹² and PBSAs¹³ in recent years; both of which enable PRS the quality in the PRS to fall.

3.4 Durham has a small number of large Houses of Multiple Occupancy (HMOs)¹⁴ which are of particular relevance to this evidence as they demonstrate the potential importance of individual contracts in the event of rolling tenancies being introduced:

3.4.1 5 10-bed HMOs

3.4.2 5 9-bed HMOs

3.4.3 46 8-bed HMOs

3.4.4 104 7-bed HMOs

3.4.5 303 6-bed HMOs

3.4.6 338 5-bed HMOs

3.5 There are many of the above HMOs that are signed for by 4-10 students as a unit; if some continued and others did not, this might cause problems for those on shared contracts where some may feel pressured to stay so that others do not need to leave, or indeed leave because others are leaving.

4. Response to specific questions from the committee

4.1. Do the proposals for reforming tenancies, including the abolition of Section 21, strike the right balance between protecting tenants from unfair eviction and allowing landlords to take

¹¹ [College accommodation costs to rise again – Palatinate](#)

¹² [Unsanitary living conditions in college accommodation – Palatinate](#)

¹³ [Students threaten legal action over Dun Holm House – Palatinate](#)

¹⁴ Data made available to the SU by Durham County Council on request; available to the committee in detail if required.

possession of their properties in reasonable circumstances?

4.1.1. Abolishing Section 21 is a step in the right direction as it increases security and stability for renters in PRS; there have been cases of students reporting problems with houses and being evicted under Section 21 or not pursuing improvements out of fear of being evicted – these changes would create peace of mind. At the same time, it still grants landlords the right to repossession of the property under reasonable circumstances.

4.1.2. There have been some concerns that the Section 21 changes may lead to temporary limits around availability of student housing in some cities as a result of students staying on in tenancies beyond the “usual” one year period. This may cause issues, especially in an area of limited housing stock such as Durham, and should be considered on a case-by-case basis.

4.2. What should be included in the new decent homes standard and how easily could it be enforced?

4.2.1. There are two primary areas, “hygiene & safety” (including, but not limited to examination of ventilation, checks on appliances and fire or CO² alarms, locks and any rodent or insect infestations) and “structural & energy efficiency” (including, but not limited to a brief examination of load-bearing walls and beams, as well as doors and windows), which should be checked every year.

4.2.2. Consideration should also be given to examining the location, not just the equipment, of kitchens and bathrooms in PRS accommodation in particular, to ensure these are appropriate for tenants’ use and in compliance with relevant elements of the DHS.

4.2.3. There should also be a standard examination, which could be performed by an accredited landlord or agent to ease load on councils, at the end of a tenant’s period of residence and before the following tenant takes up their tenancy – however yearly checks should be undertaken by council staff.

4.3. Does the PRS need its own ombudsman? If so, what powers should it have?

4.3.1. Ombudsman should be available to students and accept student group cases to be effective. The ombudsman should have the power not only over PRS but also university-managed accommodation and PBSAs mediation in light of the strong relationship between PRS, university-managed accommodation and PBSAs in many localities, as well as power to fine or enforce improvements and reimbursements.

4.3.2. We see cases of students not reporting problems and/or struggling to get their deposits back due to fear of long court processes; for many, it is not worth the effort, time and costs involved. As students are a particular group, their issues are not solely about compensation but term time accommodation influences the progress of their studies too, therefore an Ombudsman should be able to deal with student-specific issues to ease the pressure on local councils, which currently are the main body dealing with housing law enforcement.

4.4. How easily will tenants be able to challenge unfair rent increases under the proposals?

4.4.1. In Durham's specific context, but also generally when it comes to student accommodation in university cities, in between tenancies, landlords are at liberty to increase rent arbitrarily with no repercussions. Fear of rent hikes, especially in the current the cost of living crisis, will make student accommodation difficult for vulnerable groups.

4.4.2. Challenging rent increases which include limiting the landlord's ability to charge multiple months' rent in advance will enable international students with no UK-based guarantor to navigate the housing market with less difficulty. This will also enable students with limited financial resources to access housing more effectively without having to take on additional personal debt.

4.5. How enforceable are the proposals to make it illegal for landlords to have blanket bans on letting to people on benefits or with children? What other groups, if any, should be protected from blanket bans?

4.5.1. Students should be included as a specific group given their specific characteristics and needs often interact with other groups protected from blanket bans, though

incompletely. This would also lower the likelihood of some areas in university cities being entirely-student postcodes, especially when teamed with the changes to section 21, as students would be enabled to seek accommodation in a wider range of areas. Given the introduction of an Ombudsman and the strengthening of local councils, it should be easier for potential tenants to prove discrimination in relevant cases.

4.6. Overall, what additional pressures will the proposals place on local councils, and how many of these will require new burdens funding?

4.6.1. Challenging landlords, and breaches of the expanded DHS, will create some additional pressures on local councils, however the level to which this will be cases will depend on a variety of factors in each case which would require additional data to respond to, including size of PRS in a given area and existing council capabilities.

4.6.2. Consideration of students as a specific group would be beneficial in this area particularly, creating the potential for student landlord licencing schemes, run by councils, which would enable councils to ease the burden of constant monitoring as well as giving students greater peace of mind that their housing meets the DHS. This would require some start-up funding, but broadly would be sustainable within ongoing budgets beyond that.

4.7. What impact, if any, will the reforms have on the supply of students homes in the general PRS?

4.7.1. There is the potential for some limited issues with housing supply due to a combination of factors, including landlord market exit, students staying on in accommodation for longer than expected and housing failing DHS, thus being temporarily out of market circulation until the DHS is met. It is difficult to predict each of these factors in advance as they would all be entirely new.

4.7.2. Yearly “Housing rush” periods in university cities are likely to become more unpredictable and potentially will spread throughout the year as there is no way of foreseeing when student accommodation will be released, with rolling tenancies being terminated when tenants wished. In some cases this may not be an issue, however

should this “rush” period fall during examinations, this may significantly increase stress for students. This may result in a push towards university-managed and PBSA accommodation, which are typically priced high in relation to PRS accommodation, by those students seeking availability of housing for specific, fixed dates, however the scale of this push is unknown.

5. Questions regarding the implementation of the proposals

- 5.1. Do the proposed changes to Section 21 this mean that each individual in an HMO needs a contract?
- 5.2. What protections will be put in place to ensure that, prior to and during the implementation period, rents are not raised in an unjustified and uncontrolled way in order to pre-empt the limits on rent changes contained within these proposals?
- 5.3. Will consideration be given to students as a group who cannot be discriminated against via blanket bans?
- 5.4. What will the implementation period for the new DHS be across the sector?

6. Recommendations

- 6.1. Distinction of students as a group with specific interests. Students broadly, but international students more particularly, have distinct interests as tenants from many other groups and may find themselves banned from some areas of the market unless included in the proposed ban on blanket bans as a specific group.
- 6.2. Enable tenants, including student tenants, to choose between a fixed term and rolling contract, but only tenants. This would enable students to choose a contract appropriate to their situation while also freeing up some parts of the housing market on a yearly basis while others have longer-term flexibility. This is particularly important for Research students, who may need extended periods of research leave and are more likely to extend their courses beyond a specific 1- or 3-year period.

- 6.3. Enable tenants to choose between a multi-party contract and several individual contracts in the case of HMOs. While this is predominantly beneficial to students, several non-student residents would benefit from this increased flexibility, enabling individuals to remain while others leave should they choose, and have peace of mind in advance.
- 6.4. Consider extending the proposed regulations around scale and regularity of rent increases to include both PBSAs and university-owned accommodation. This would enable the PRS to compete on the same terms as PBSAs and universities, while also protecting students who choose not to move into the PRS in the same way as those who do.
- 6.5. Empower the housing ombudsman with specific powers which enable them to tackle landlords who repeatedly breached the proposed DHS particularly in properties which accommodate students.
- 6.6. Undertake a national level Urban planning survey, in cooperation with universities, students' unions, PBSAs and letting agents to anticipate shifts at the student market in university cities in terms of rolling contracts. This would enable universities and the communities which they form part of to better understand the likely impacts, as well as providing important data with which they could mitigate some of these impacts.

7. Appendix 1 – Example images

- 7.1. All of the images below were gathered by Durham SU student officers through an open call for evidence during early August 2022. All images were gathered from students in PRS accommodation, with 92 gathered in total, however 10 are included here as examples for brevity. To protect the anonymity of students, the locations and names have been omitted, however, the academic year of residence has been noted for reference.



Figure 1 – Utility room, House 4, 2022-23

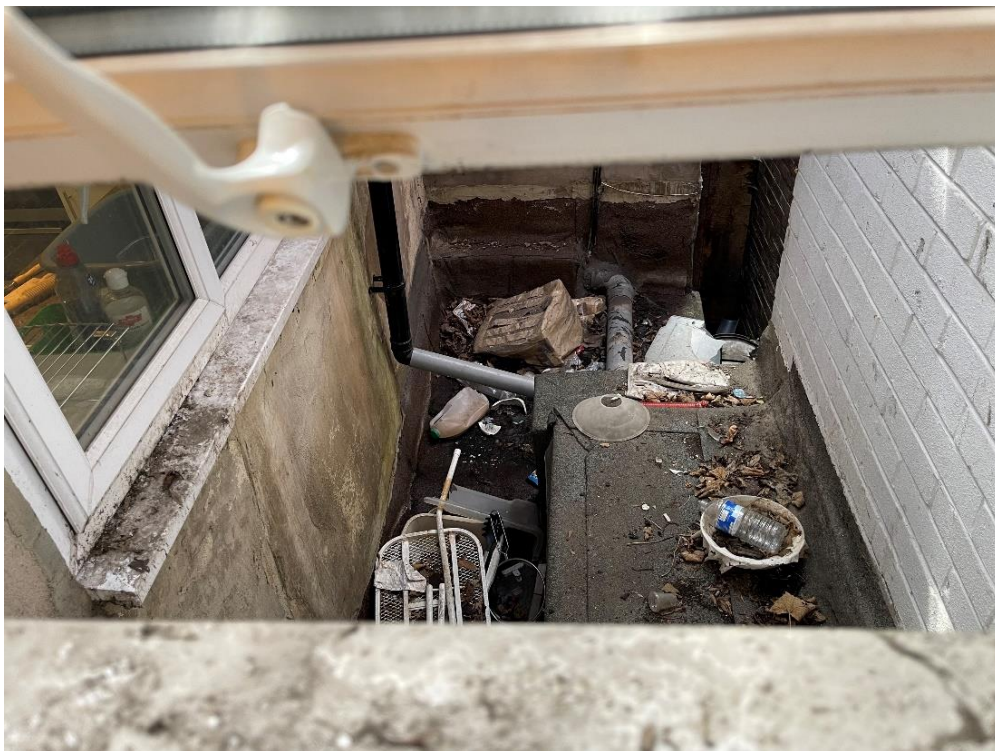


Figure 2 – Yard, House 4, 2022-23



Figure 3 – Ceiling damp, House 5, 2022-23



Figure 4 – Ceiling damage, House 7, 2020-21



Figure 5 – Bathroom damp, House 9, 2021-22



Figure 6 – Window mould, House 14, 2022-23



Figure 7 – Wall damage, House 14, 2022-23



Figure 8 – Incomplete improvised repair, House 15, 2022-23



Figure 9 – Ceiling damp, House 16, 2021-22

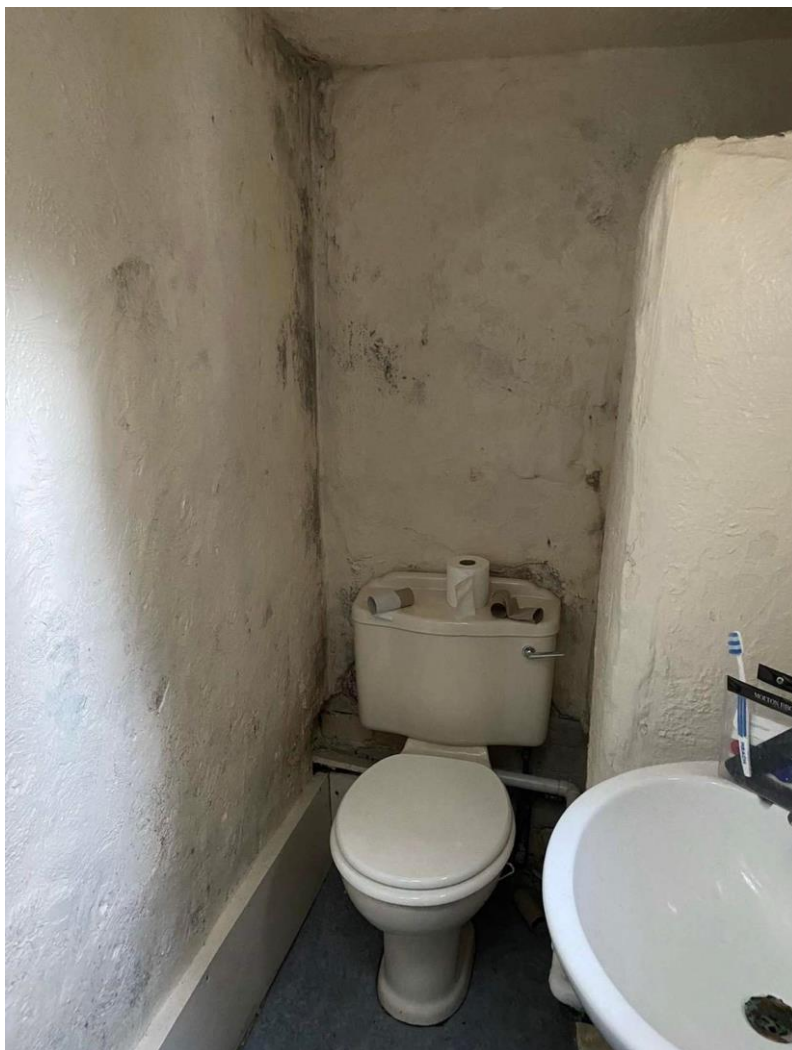


Figure 10 – Bathroom damp, House 19, 2021-22