

Consultation Response from the Nation Union of Students

1. NUS (National Union of Students) is a voluntary membership organisation which makes a real difference to the lives of students and its member students' unions. We are a confederation of 600 students' unions, amounting to more than 95 per cent of all higher and further education unions in the UK. Through our member students' unions, we represent the interests of more than seven million students nationally, and between 380,000 and 400,000 students in London. Our mission is to promote, defend and extend the rights of students and to develop and champion strong students' unions.
2. According to the [English Household Survey 2013](#), 5% of the private rented sector is student households the majority of which, we can assume, are NUS members.
3. Overall we welcome the Government's efforts to introduce enhanced regulation of the Private Rented Sector (PRS), and we are grateful for the opportunity to contribute to the consultation process.
4. We have chosen to respond to specific sections of the Discussion Paper which are of interest to, or have particular impact on, our membership. We have made clear which sections of the Discussion Paper we intend to respond to using the headings given within the document.
5. Our response is informed by research we have conducted with our members, our recent report into students living in the private rented sector- Homes fit For Study¹, and NUS policy passed at National Conference² (websites for both of these sources are linked at the end of this document) and through informal discussion with members of the key issues in the discussion paper.
6. NUS is broadly in favour of a number of the proposed measures laid out in the discussion paper, which are listed below.

Blacklisting and banning of rogue landlords

7. Members indicated, through informal discussion prior this response, they would be in favour of data held by tenancy deposit schemes being shared in order to create a register of private sector landlords, and to effectively operate a blacklist of banned landlords.
8. We have previously called for a blacklist of rogue landlords as a recommendation from our own research (Homes Fit for Study³) into the experience of students living in the private rented sector. With regards to the proposed reasons for placing a landlord on the blacklist, we agree with the suggested threshold of two or more relevant housing offences- however we would like to make clear that we would expect this to apply in cases where two offences have occurred simultaneously and within one property. We would strongly support a mandatory approach in applying penalties, including blacklisting, in order to provide proper protection for tenants.

¹ http://www.nus.org.uk/Global/Homes%20Fit%20For%20Study/Housing%20research%20report_web.pdf

² <http://beta.nusconnect.org.uk/resources/national-conference-2015-resolutions>

³ http://www.nus.org.uk/Global/Homes%20Fit%20For%20Study/Housing%20research%20report_web.pdf

9. We would support measures that afforded local authorities to the right to place landlords on a blacklist for the grounds mentioned in the discussion paper. We believe this would allow local communities to act quickly and effectively in taking action against poor quality landlords in their neighbourhoods.
10. We support strong and effective penalties for landlords that continue to operate after having been blacklisted, and particularly those that include redress for the tenant affected, including rent repayment orders. We would have some reservations regarding the use of the proceeds of crime act, as funds collected via this method are shared with the police, resulting in lower direct compensation to the tenants affected.

Rent repayment orders

11. From member feedback we received in response to this discussion paper, our members are supportive of plans to introduce rent repayment orders for cases where a landlord has illegally evicted a tenant or where a landlord has failed to comply with a statutory notice. We believe that the rent repayment order should not be limited to 12 months only, but should be extended to cover the period over which the breach has occurred.
12. Our members indicated that the use of automatic application of rent repayment orders would be a positive step towards allowing tenants to access to swift justice when they have been subjected to illegal living conditions.

Civil Penalties

13. We are strongly in favour of the use of civil penalties in cases where there has been a 'minor' breach of the Housing Act 2004, and would agree with the suggested list of offences given in the discussion paper.
14. Our Homes Fit for Study report asked respondents whether they had experienced any problems with the condition of their privately-rented accommodation while they have been a student. More than three-quarters (76 per cent) reported that they had had at least one problem with the condition of their current home. The problems that were most commonly cited by students were mould and damp, leaking windows or roof, vermin infestation and electrical or gas safety hazards.
15. A number of our members expressed concern that though the power to issue civil penalties would be a useful deterrent for poor performing landlords, the local authority would be unable to effectively monitor landlords due to limits on their resources. A possible potential solution to this would be to offer training and employment opportunities for students to become property inspectors who would report breaches to the local authority. These paid positions could be funded using the money the local authority recovers via civil penalty enforcement, and in turn the increased use of civil penalties would drive up standards in the PRS, leading to fewer cases requiring more serious intervention from the local authority.
16. It should also be noted that NUS has concerns regarding the following aspects of the discussion paper, listed below:

Abandonment

17. It is unclear why proposals relating to 'abandonment' are included in a technical discussion paper titled 'Tackling rogue landlords and improving the private rental sector'.

We have chosen not to respond to the questions included in this section of the paper, as we believe it should be addressed separately.

18. Whilst we welcome the opportunity to feedback on the important issue of regulating the private rented sector, we regret that, given the time frame of the launch of the discussion paper and the closing date for responses we have been unable to draw together a comprehensive reply the questions posed in the paper that are truly reflective of our members' views.
19. We also wish to express our concern regarding the timing of the launch of the discussion paper, as the summer months tend to be a period where students are on vacation and not engaging with their students' union. This has made it exceptionally challenging for us, and our partners in the not for profit student housing sector, to attract a significant level of member engagement with the paper and the important issues it seeks to address.
20. We would be very interested in contributing further to the development of any new measures to tackle rogue landlords, and would welcome any opportunity to engage with the DCLG on this, or other relevant issues, as they arise.

Further information

21. Homes Fit for Study

- a. Homes Fit for Study was the result of extensive research, carried by NUS, into the experiences of students across all housing tenures.
- b. A representative sample of 6,696 responses was gathered from students in higher education, with 2,870 respondents meeting the definition of living in the private rented sector.
- c. Our research found, amongst other things, that 76% of students in the PRS had experienced a problem with the condition of their home, with damp and infestations being the most commonly cited issues.
- d. One key recommendation that was made as a result of our research was that letting and managing agents, and landlords, should be properly regulated or licensed to ensure that students and other tenants are afforded protection from poor practice.
- e. We are likely to repeat our survey for the 2015/16 academic year. We would be happy to share the findings from our research with the Department for Communities and Local Government in due course.

References:

NUS Policy passed by National Conference 2015

<http://beta.nusconnect.org.uk/resources/national-conference-2015-resolutions>

NUS/Unipol (2012) *Accommodation Costs Survey*

<http://www.nus.org.uk/Global/Campaigns/Accommodation%20Costs%20Survey%20V6%20WEB.pdf>

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