**Overcoming the Barriers to Longer Tenancies in the Private Rented Sector**

**Q11a: What do you consider to be the main benefits of a longer tenancy for landlords? (Assign a score out of 10 for the importance of that factor with 10 being the most important)**

Less risk of void periods for landlords

 Tenants more likely to take care of property

 Landlords save on costs of finding new tenants

x Other (please explain)

[text box]

If tenants are able to stay in a property for longer, it is easier for landlord and tenant to get to know each other and for a more understanding and communicative relationship to be forged. Some of the volatility of relationships between landlords and tenants may be addressed this way.

**Q11b: What do you consider to be the main benefits of a longer tenancy for tenants? (Assign a score out of 10 for the importance of that factor with 10 being the most important)**

 Greater security for tenants

 Tenants saving money as they do not have to sign new tenancies or renew so frequently

 Tenants have greater assurance they can afford any rent increase

 Tenants more empowered to challenge poor practice

 Other (Please Explain)

[text box]

This change could be extremely important for people’s mental health. The knowledge that they can stay in their home for three years means people can feel more at ease in their space. When we surveyed over 2,000 campaigners, Mind members and members of the public about their experiences of housing and mental health, over one in four told us they had faced an issue with an unstable tenancy. Not only this, but we found that two thirds of people with mental health problems have had at least one issue with the quality of their home. That’s a huge number of people whose stress could have been avoided if they had known they could count on staying in the home they’ve found. Being able to fight for repairs and improvements to sub-standard and non-decent homes is more available to people if they know they have a long tenancy to keep them secure.

With longer tenancies, people can be confident that that they can keep seeing the same GP and mental health professional, that they’ll be able to make friendships and links in the community. It could provide a much needed step change away from the cycle of worrying about where you’ll live from one year to the next.

For many people, a longer tenancy could mean an easier road to improving their mental health.

**Q12: Do you consider that there are any further benefits of longer tenancies that are not covered in question 11? Please explain.**

[text box]

The benefits to people’s mental health, as answered to 11b.

**Q13: What do you consider to be the main barriers to landlords offering longer term tenancies?**

 Tenants do not want them

 x Landlords do not want to offer them

 Landlords concerned about void periods

 Time taken to gain possession of property

 x Agents’ advice

 Landlords want to retain ability to increase rent

 Mortgage conditions

 Other [please list]

[text box]

Many tenants do not even know that longer tenancies are a possibility to ask for, and might assume that they could not leave if they needed to. An education drive on this is required alongside a change in the law to establish longer tenancies and the new minimum. We’re concerned that without legislation, the most vulnerable tenants will not have the confidence or knowledge to make use of longer tenancies, thereby undermining their aim.

**A New Framework**

Our suggested longer term tenancy model is a three year tenancy with a six month break clause. The main components would be:

a. A three year tenancy but with an opportunity for landlord and tenant to leave the agreement after the initial six months if dissatisfied. If both landlord and tenant are happy, the tenancy would continue for a further two and a half years.

b. Following the six month break clause, the tenant would be able to leave the tenancy by providing a minimum of two months’ notice in writing.

c. Landlords can recover their property during the fixed term if they have reasonable grounds. These grounds would be in accordance with the existing grounds in Schedule 2 of the Housing Act 1988 and would include antisocial behaviour and the tenant not paying the rent. Landlords must give the tenant notice (which would follow the notice set out in section 8 of the Housing Act 1988 for the ground or grounds used). Additionally, there would be grounds which covered landlords selling the property, as is possible in the current model tenancy agreement, or moving into it themselves. These grounds would require the landlord to provide at least two months or 8 weeks notice in writing.

d. Rents can only increase once per year at whatever rate the landlord and tenant agree but the landlord must be absolutely clear about how rents will increase when advertising the property. Any agreement on rent should be detailed in the tenancy agreement.

e. Exemptions could be put in place for tenancies which could not realistically last for three years, for example, accommodation let to students or holiday lets.

**Q14: Do you think that a three year tenancy with a six month break clause as described above is workable? Please explain**

 x Yes

 No

[text box]

Three year tenancies are a good length of time for private renters and landlords to be able to feel secure, but five years would achieve the policy aims more effectively. Tenants and landlords need to be able to make plans, based on an income and relying on a home to live in.

Landlords should be required to provide reason and evidence to break the tenancy at six months, otherwise tenants are not truly in an improved position. Further, if tenants feel they need to leave the property within this initial six months, for example because it is in a non-decent state or they feel unsafe, they should not be forced to remain. Without the possibility of leaving they have no way to hold the landlord accountable to their responsibilities or to protect themselves.

The Government needs to explain how it will ensure that grounds in Schedule 2 of the Housing Act 1988 would be used reasonably, in a well-evidenced way, and that landlords are still held to account. The use of antisocial behaviour as grounds for eviction is understandable, but often people with mental health problems are unfairly impacted by this. Research shows that people with mental health problems are more likely than others to be evicted, due to either financial reasons or due to disproportionate anti-social behaviour enforcement (Mind: London, *Brick by brick*, 2017).

Landlords should only be able to increase rent under set conditions: only once within the tenancy, only after the first year, and with the increase to be capped at a maximum of the inflation level or a fixed percentage set by the Government, whichever is lower. Increases should not be automatic, but require landlords to prove that it is fair and reasonable.

The Government must also ensure that people on short-term work contracts are not prevented from being offered a tenancy that is longer than their work contract. A person will have the flexibility to move out if their income changes, but many people move immediately between jobs and should be able to have security in where they live.

**Q16: How long do you think an initial fixed term tenancy agreement should last (not considering any break clauses or notice periods)? Please explain**

 6 months

 12 months

 2 years

 3 years

 x 5 years

 No limit set

 Other

[text box]

Five years would enable people to feel secure in their homes. The private rented sector should provide the stability that many people are able to feel in social housing. In our 2017 research, Kirsty told us that her longer tenancy helped her to focus on her mental health:

“I’m in quite an intense course of therapy that I waited two years to get on, and it, kind of, feels like this is a really good base to be able to now focus on recovery without having to worry about finding a place where I’m going to be in a couple of years. It’s like, that’s all sorted, that’s past, and now I can just focus on recovery which is really, really nice”

(Mind: London, *Brick by brick*, 2017).

With longer tenancies, people can be confident that that they can keep seeing the same GP and mental health professional, that they’ll be able to make friendships and links in the community. It could provide a much needed step change away from the cycle of worrying about where you’ll live from one year to the next. For many people, it could mean an easier road to improving their mental health.

**Q17: What do you think is an appropriate length of time for a break clause?**

 Less than 3 months

 3 months

 x 6 months

 12 months

 Other

[text box]

**Q18: How much notice should landlords be required to give to tenants when they want to recover their property to sell or move into?**

 Less than 1 month

 1 month or 4 weeks

 6 weeks

 2 months or 8 weeks

 3 months or 12 weeks

 x 6 months or 24 weeks

 Longer than 6 months

The decision to move into or sell a property is not one taken lightly by landlords – it is made well in advance, and likewise tenants should be made aware of it well in advance. Tenants should have lots of time to plan their next move, and the associated administration around moving house, particularly having to accumulate a large deposit.

**Q19: How much notice should tenants be required to give to their landlords when they want to leave their tenancy?**

 Less than 1 month

 1 month or 4 weeks

 x 6 weeks

 2 months or 8 weeks

 3 months or 12 weeks

 6 months or 24 weeks

 Longer than 6 months

A six week notice period for tenants would be more reasonable in the balance between a landlord needing time to find a new tenant and changes in a person’s life meaning they need to move. For example, most people have a four week notice period when being dismissed from their job, if not shorter – and losing or changing employment might mean they have to change their living situation.

The Government should also consider conditions in which a notice period may not be possible. For example, a person may experience a mental health crisis and need to be admitted to hospital. This could result in a loss of income and an inability to pay their rent. They may need to move to somewhere new to recover. The Government should consider ways in which such scenarios could be addressed in which neither landlord nor tenant lose out.

**Q20: Do you think that the grounds for a landlord recovering their property during the fixed term under any longer term tenancy agreement should mirror those in Schedule 2 of the Housing Act 1988, with the addition of the right for the landlord to recover their property when they wish to move in or sell it?**

 Yes

 No

[text box]

<https://www.legislation.gov.uk/ukpga/1988/50/schedule/2>

**Q21: Do you think that there should be any restrictions on how often and by what level the rent should be increased in a longer tenancy agreement? And if so what is the maximum that these restrictions should be? (Tick up to two)**

 Yes – rent increases should be limited to once per year

 x Yes – rent increases should be limited to once every 18 months

 Yes – rent increases should be limited to once every two years

 Yes – rent increases should be limited in frequency but not in the amount that can be charged

 x Yes – any rent increases should be linked with inflation measures (e.g. Consumer Price Index (CPI)

 Yes – any rent increases should be linked to local market averages

 No – rent increases should not be limited

 Other – please explain

[text box]

**Q22: What do you think is the best way to ensure that landlords offer longer term tenancies to those that want them or need them? Please explain.**

 x Change the law to require all landlords to offer longer tenancies

 Change the law to require all landlords to offer longer tenancies as a default with an option to choose a shorter term

 Financial incentives

 Voluntary measures such as a kitemark on longer term properties or an updated version of the existing model tenancy agreement

 Other (please explain)

[text box]

**Q23: Which types of tenancy should be exempted from the proposed system?**

 x Purpose Built Student Accommodation

 x All Student Accommodation

 x Holiday Lets

 Tenancies for those with visas ending in the next 3 years

 Tenancies for those with short term work contracts

 Other (Please explain)

**Q24:**

**What do you think would be the benefits and disadvantages of changing the law to require all landlords to offer the longer term tenancy model?**

In all types of housing, we’ve seen evidence that people with mental health problems are pressured into accepted poor deals, by unscrupulous landlords willing to exploit the most vulnerable. If these proposals are to effectively tackle this kind of behaviour they need to be enshrined in law and be required of landlords – so that they become the norm, rather than just another option for those who feel confident enough to employ them. In order to get the balance right between tenant and landlord, the Government must introduce new legislation to make these changes.

**Q25: What, if any, financial incentive could encourage longer tenancies? Please explain**

[text box]

**Q26: If there were a financial incentive to offering longer tenancies, what conditions should a landlord have to comply with to be eligible? (Tick all that apply)**

 Meet all legal requirements

 Agree to certain restrictions about frequency and level of any rent increases

 Comply with a minimum property standards, including gas safety checks and tenancy deposit protection

 x Other (please explain)

Reach higher standards set for this purpose, including good quality homes and rents in line with the local area.

**Q27: What other options to promote longer tenancies should be considered?**

[text box]

**Q28: Do you consider that any of the above would impact on people who share a protected characteristic, as defined under the Equalities Act 2010, differently from people who do not share it? If yes, please provide details.**

 Yes

 No

[text box]

**Q29: Do you have any other comments that have not been captured elsewhere in this consultation?**

We want to see the current proposals go further to protect people’s mental health in the private rented sector by giving them stability:

* Minimum tenancy lengths should be **at least** three years, but the Government should consider five years.
* If landlords want to end tenancies after the first six months, they should have to evidence reasonable grounds.
* Tenants should be able to give notice to end their tenancy at any time, and not have to wait until after the first six months.
* Rents should only be able to rise once during the tenancy, at a maximum of the inflation level. This should not be automatic, but require landlords to prove that this is a fair and reasonable increase.