

Tenure Security for Older Tenants:

A country review of policy, programmes and regulation

A Working Paper prepared for SmartGrowth and the
Population Ageing Technical Advisory Group (PATAG)
Western Bay of Plenty Sub-region

Dr Bev James (PP&R) and Nina Saville-Smith (CRESA)

July 2016



**LIFE WHEN
RENTING**
AGEING WELL NATIONAL SCIENCE CHALLENGE
Enabling Older People's Independence
in the Tenure Revolution

ACKNOWLEDGEMENTS

This work was undertaken as a component of the *Life When Renting* research programme, funded through the Ageing Well National Science Challenge public good science funding administered by the Ministry of Business, Innovation and Employment. We thank Professor Kath Hulse, Swinburne University of Technology, Melbourne, for her detailed and helpful comments on this working paper.

We would like to also acknowledge SmartGrowth's funding contribution and PATAG's involvement, which enabled the development of this report.

Public Policy & Research Ltd., CRESA, their contributors, employees and Directors make every effort to ensure the accuracy of content and validity of interpretation of its reports. Much of the data used to compile these reports and contributing to our interpretation is supplied by others. We shall not be liable for any loss or damage sustained by any person using this report whatever the cause of such loss or damage.

EXECUTIVE SUMMARY

This working paper considers models developed in Australia, North America, the United Kingdom and Europe to promote tenure security and long term tenure in the rental market. The paper explores the extent to which measures to promote tenure security are targeted specifically to older tenants, and to helping older people to age in place. Tenure security is especially important for older tenants as they are typically both asset poor and income poor. Where tenure is consistently unaffordable, housing conditions are poor, or the tenancy itself is uncertain, the already fragile situation of older tenants is exacerbated.

Tenure security is specified in various ways across the countries reviewed. Analysis in this paper is organised around the critical elements contributing to tenure security identified in the literature. These cover:

- Rent setting and controls.
- Lease term.
- Termination and eviction.
- Repairs, maintenance and modifications.
- Tenant education and assistance.
- Landlord education and training.
- Instruments to increase affordable housing supply.

Currently, one-fifth (approx. 127,000) of New Zealanders aged 65 years and older live in accommodation they do not own themselves. The largest group of tenants aged 65+ are in private rental accommodation. Within that broad age range, the proportions of tenants are greatest in the 65-79 year age group.

New Zealand has a very lightly regulated private rental market with few provisions relating to long-term tenancy and tenure security. Even though traditionally public housing has offered lifetime tenancies, this has been rescinded except for a very small proportion of tenants. Long-term tenure is most likely to be found in council pensioner housing, and community housing provider stock. These comprise a very small proportion of the overall rental stock, and community housing providers do not target older tenants.

At almost 23 percent of all households, New Zealand's private rental stock sits around the average when compared to European countries, and is similar to Australia. However:

- New Zealand's public housing and community housing provider sectors are considerably smaller than those of several European countries and England.
- Private rental housing is the long-term tenure choice of middle-income as well as lower-income households in several European countries.
- In New Zealand, renting has long been treated in the policy framework as transitional to home ownership, rather than a long-term tenure choice for middle-income earners.
- New Zealand's intermediate housing market is growing rapidly, and these working tenants are likely to become the long-term renters and retired tenants of the future.

Across the countries examined, there has been an overall trend towards deregulation of the private rental housing sector. Those trends are contested in some jurisdictions and their outcomes are largely unevaluated.

In general, provisions for tenure security are not targeted on an age basis. Only two provisions were identified as specifically targeted to older tenants. These relate to termination, and landlord subsidies for accessibility modifications to existing dwellings.

The literature suggests ways for improving rental stability for older tenants that do not rely on regulation. Instead, these focus on improving the management of tenancies, tenant support, provision of fit-for-purpose accommodation and raising older tenants' awareness of their rights and responsibilities. Such initiatives are aimed at supporting the ageing in place of older tenants.

CONTENTS

	Page
Executive Summary	i
1. Introduction	1
2. Long term tenure and tenure security	1
3. Why is tenure security important for older tenants?	1
4. New Zealand's rental market and older tenants	3
5. Tenure security in New Zealand	5
6. Review of international tenure security models	7
7. Conclusions	9
References	16
Figure 1: 2001-2013 Percentage Change in Home Ownership – Older Age Populations	5
Table 1: Tenure Security: Regulation, Policies And Programmes	11

1. Introduction

This working paper has been prepared to provide SmartGrowth and PATAG with information about models designed to promote tenure security and long-term tenure in the rental market. Long-term tenure is a fundamental component of tenure security. The paper examines selected literature on tenure security in Australia, North America, the United Kingdom and Europe. This review has specifically enquired into whether there are long-term tenure or tenure security requirements:

- i. targeted to older tenants and in particular to help older people to age in place; and/or
- ii. for all tenants.

A mix of literature sources were used, including analyses of single country tenant legislation, along with reviews of tenant legislation across Europe, the United Kingdom, North America and Australia.¹

2. Long term tenure and tenure security

A right to adequate housing is stated in the International Covenant on Economic, Social and Cultural Rights (ICESCR). At least nine European countries recognise the availability of decent housing as a human right.² Legal interpretation has concluded that this right includes security of tenure.³ States that are party to the ICESCR are obligated to “ensure all persons possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”⁴

Tenure security is specified in various ways across the countries reviewed. In some jurisdictions tenure security incorporates measures of affordability as well as the protection of tenants from removal. Other dimensions of tenure security relate to the length of tenancy and the adequacy and stability of tenancy conditions.

This paper uses the definition of tenure security used in the Residential Tenancy Act review in Victoria Australia,⁵ which describes high tenure security as involving:

- tenant choice to stay or leave
- legal protections regarding length and removal of tenancy
- a sustainable rent
- certainty that the property will be maintained appropriately.

3. Why is tenure security important for older tenants?

Currently in New Zealand, older people living in rental housing typically have been resource deprived over their life cycle or have had a significant shock to their personal or financial wellbeing later in life that has caused them to leave home ownership. Similarly in Australia, a link between personal shocks and movement from home ownership to renting has been identified.⁶

¹ Reviews include Scanlon and Kochan (eds) 2011, Carroll 2008; Hulse *et al* 2011; Victoria State Government 2015; Heath 2014.

² Carroll 2008.

³ Human Rights Commission 2010, p.205

⁴ Thiele 2012, p.6.

⁵ Victoria State Government 2015, p.8.

⁶ Wood *et al* 2013.

Older tenants are typically both asset poor and income poor, unlike older owner-occupiers who tend to be asset rich although income poor. It is well established that the vast majority of people 65 years and older are reliant mainly on national superannuation for their income. It is also well established that where national superannuitants are mortgage-free owner-occupiers, their living standards tend to be good and there is a high degree of life satisfaction. However, this is not the case for older tenants reliant on national superannuation. Older tenants have lower living standards and lower levels of satisfaction.⁷

It also needs to be acknowledged that older owner-occupiers with mortgages are vulnerable in similar ways to older tenants. Like tenants, they have limited discretion around their housing outgoings. Just as tenants have regular non-discretionary rental payments, home owners with a mortgage have regular non-discretionary mortgage payments. What might have been an affordable mortgage while working may be unaffordable in retirement, thus tipping the owner with a mortgage into the rental market.

The lower living standards and rates of satisfaction experienced by older tenants arise primarily from their exposure to higher and non-discretionary housing costs. While older mortgage-free owner-occupiers can choose to defer costs such as repairs and maintenance and, depending on their local authority, defer rate payments as well as access rate subsidies, this is not the case for older tenants. They must pay weekly or fortnightly rent. While some tenants can access the Accommodation Supplement, *a priori*, to do so means that a tenant will still be paying an unaffordable rent, since the Accommodation Supplement is designed to only partially subsidise the unaffordable gap.

Only a small proportion of older tenants are able to access government subsidies generating affordable rents. Those are all HNZN tenants and some older tenants assigned to community housing providers⁸ that access the Government's income-related rents scheme. Council tenants can access an Accommodation Supplement if their council rents are unaffordable and many councils set their rents to trigger the Accommodation Supplement. Where this occurs the resultant rent nevertheless remains unaffordable. Councils do not have access to the income-related rents scheme.

Where tenure is consistently unaffordable, housing conditions are poor, or the tenancy itself is unstable, the already fragile situation of older tenants is exacerbated. In contrast, where there is tenure stability, ageing in place may be supported, as older tenants can:

- Establish and maintain supports and connections with their community and services such as in-home care, health services and shops.
- Manage housing and living costs, as rental costs are more affordable and predictable.
- Reduce expense associated with frequent moving, which in itself can create or contribute to financial hardship.
- Reduce stress associated with frequent moving.
- Live in housing that is maintained for their comfort and safety.

The experience and perception of tenure security is a complex issue. Some studies have shown that, even for older tenants with secure tenure due to legal provisions, they can be

⁷ Koopman-Boyden *et al* 2007; Perry 2010; Saville-Smith, 2013.

⁸ Community housing providers are non-profit organisations that provide affordable housing.

liable to perceiving their tenure as insecure, and that perception prevents them from asserting their rights as tenants. For example, older tenants have been found to be more reluctant to report needed repairs, because they believe that such action will result in eviction or raising rent.⁹ Other studies show that legal tenure security does not necessarily protect older tenants from abuse by landlords; in fact tenure security provisions themselves may encourage landlords to evict older tenants who are on capped rents or long leases.¹⁰ Yet, it has also been shown that not all tenants are worried about security of tenure, even if legal provisions for tenure security are limited.¹¹ Other factors, such as landlord attitudes and management practices, the neighbourhood environment and comfort of the dwelling can affect tenants' experiences and perceptions of tenure security.

4. New Zealand's rental market and older tenants

At almost 23 percent of all households,¹² New Zealand's private rental stock is similar to Australia's (approx. 23 percent)¹³, England's (20 percent),¹⁴ and to the European average of around 20 percent. In contrast the proportion of private rental stock is particularly high in Switzerland (approx. 56 percent) and Germany (approx. 60 percent).¹⁵

New Zealand's public housing sector (government and council) and community housing provider sector are considerably smaller than those of several European countries, such as the Netherlands, Denmark and England.¹⁶ Another difference is that, in contrast to New Zealand, in countries such as Germany, France, Sweden, Austria and Switzerland private rental housing is the long-term tenure choice of middle-income as well as lower-income households.¹⁷

In New Zealand, renting has long been treated in the policy framework as transitional to home ownership, rather than a long term tenure choice for middle-income earners. However, the intermediate housing market is growing rapidly – these are the working households unable to purchase a house at the lower quartile house price with standard lending criteria. In 2015, the intermediate housing market was estimated at 48 percent of the Bay of Plenty's in-work private sector renter households. By 2026, this group is expected to rise to 59 percent of in-work private sector renter households.¹⁸ This group is becoming long-term renters. They are at risk of entering retirement as renters, who on fixed incomes are more vulnerable to rising housing costs.

⁹ Carlton *et al* 2004; Izuhara and Heywood 2003; Morris 2009; Freilich *et al* 2014.

¹⁰ Izuhara and Heywood 2003.

¹¹ Hulse and Milligan 2014.

¹² Statistics New Zealand, 2014.

¹³ Stone *et al* 2013.

¹⁴ Department for Communities and Local Government 2016.

¹⁵ Scanlon 2011.

¹⁶ Scanlon 2011.

¹⁷ Scanlon and Whitehead, 2011a.

¹⁸ Mitchell 2015. Note these figures are based on scenario 2 in Mitchell's report, which assumes long term average interest rates and house price growth rates.

Currently around 127,000 New Zealanders aged 65 years and older live in accommodation they do not own themselves.¹⁹ This is one-fifth of that age group. The largest group of tenants aged 65+ are in private rental accommodation (48 percent).²⁰ The private rental market is the most important part of the rental market for older tenants, simply because it comprises by far the largest number of rental stock.

A further 33 percent of older non-owners live in a household with the owner-occupier.²¹ The data does not indicate their relationship to the owner-occupier, who may be a family member or unrelated. It is also not known from the data whether those people pay rent. Only 19 percent of older tenants live in public housing provided by councils and HNZA (Housing New Zealand Corporation), and in housing provided by community housing providers.²² Council pensioner housing caters specifically for low-income, low asset residents aged 55 and over. It is notable, as mentioned previously, that these tenants cannot access income-related rent subsidies.

Within the 65+ age group, the proportions of tenants are greatest in the younger cohorts, and increasing. From the 2001 census to the 2013 census, there has been a drop in home ownership (for those with or without a mortgage) of 2.9 percent in the 65-69 year age group, a drop of 5.1 percent in home ownership in the 70-74 year age group and a drop of 2.8 percent in home ownership in the 75-79 year age group. This is evident in Figure 1 below drawn from an analysis of Statistics New Zealand tenure data.

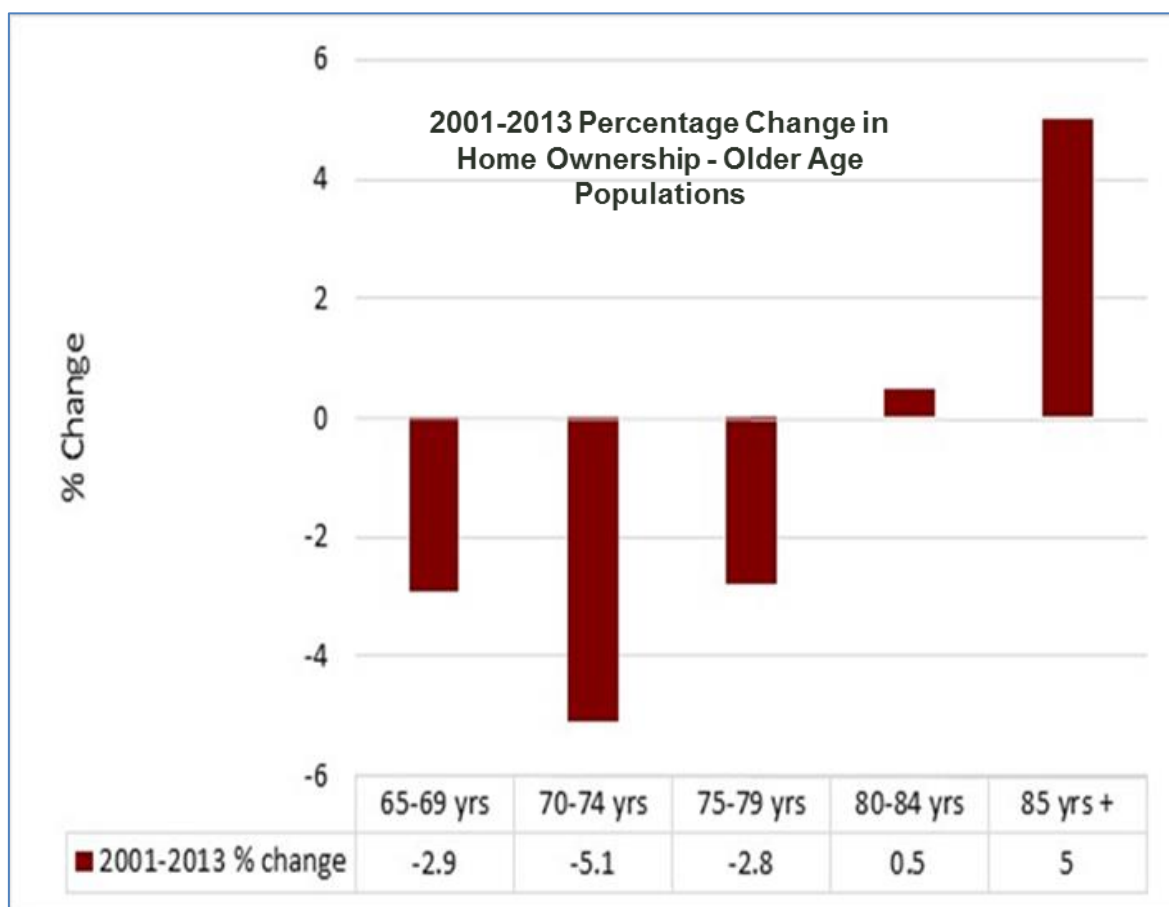
¹⁹ See Johnson 2015. Data is from the 2013 census. These are people living in private dwellings, not those in institutional settings such as rest homes. This figure includes people who own a property but do not live in that property. It is likely that this is a relatively small group. This figure excludes people living in licence-to-occupy dwellings, such as in retirement villages.

²⁰ Johnson 2015.

²¹ Johnson 2015.

²² Johnson 2015.

Figure 1: 2001-2013 Percentage Change in Home Ownership – Older Age Populations



5. Tenure security in New Zealand

New Zealand has a very lightly regulated private rental market with few provisions relating to long-term tenancy and tenure security. Traditionally public housing has offered long-term tenancies. However, such provisions have been rescinded by HNZA, which used to offer lifetime tenure, except where tenants abused the dwelling or neighbours. In 2014, tenancy reviews every three years were introduced for all tenants, except those who live in a property modified for their needs (for example wheelchair access), who have agreed lifetime tenure with Housing New Zealand or who are 75 and over. Older people are being particularly affected by HNZA policies around alleged housing over-consumption and requirements that older tenants move to smaller-sized dwellings.

The only parts of the rental market offering long-term tenure are council pensioner housing, which generally has lifetime tenancies, and community housing providers. However, in many areas the demand for council pensioner housing exceeds supply. Furthermore, some councils are divesting themselves of their housing stock, which raises the question of whether that stock will continue to offer secure tenancy. Community housing is characterized by long-term rental accommodation. Those providers registered by the Community Housing Regulatory Authority must meet a number of requirements that support tenure security. These include requiring providers to support tenants experiencing financial hardship, manage rental arrears, and ensure that ending a tenancy

is a last resort. However, in general community housing providers do not target their stock to older people.

The Residential Tenancies Act 1986 regulates all tenancies, whether they are public (government, council), private or operated by community housing providers. There is no definition of tenure security in the Act. Furthermore:

- No minimum or maximum length of tenancy is specified under law. Tenancies can be periodic or fixed-term. Periodic tenancy has no set term, and can be ended by either landlord or tenant giving a period of notice as set out in the Act. A fixed-term tenancy has a term of tenancy specified in the tenancy contract. In general, that term cannot be varied by either the landlord or the tenant, except by mutual agreement or because of a mortgagee sale.
- A landlord does not have to give a reason for ending a tenancy. For a periodic tenancy, the usual period of notice that a landlord must give a tenant to terminate the tenancy is 90 days. However, the minimum period can be shortened to 42 days under specific circumstances, such as where the landlord or a family member is going to move into the property, or vacant possession is required on sale of the property. A tenant is required to give 21 days' notice to end a tenancy. The Tenancy Tribunal can make an order to end a tenancy for a breach that is specified in the Act.

Notably, if a bank becomes the landlord of a tenanted property by way of a mortgagee sale, a fixed term tenancy is treated as a periodic tenancy and the same termination conditions prevail.

There are other conditions that can make tenancies insecure. In particular, rent increases and a lack of maintenance and repairs. The Residential Tenancies Act provides some limited protections on these matters:

- Rent increases: There is a limit on the frequency of rent increases. A rent increase may be made once every 180 days (approximately every six months), and the landlord must give notice of the increase to the tenant. If the tenancy is for a fixed term, no increase in rent is allowed during the term of the tenancy, unless it is permitted under the terms of the tenancy agreement. There is no regulation of the amount of a rent increase, except for a provision allowing a tenant to apply to the Tenancy Tribunal if their rent is believed to be substantially above market rent. The Tribunal may make an order to reduce the rent. If a tenant does not agree to an increase in rent proposed by the landlord due to substantial improvements to the property, then the landlord can apply to the Tribunal for an order to increase the rent.
- Dwelling condition: the landlord is required to maintain the premises, "in a reasonable state of repair, having regard to the age and character of the premises", and comply with relevant building, health and safety legislation. "Reasonable state of repair" is not defined. There are provisions requiring the landlord to compensate the tenant for reasonable expenses where the tenant has paid for serious and urgent repairs, which were not caused by a breach of the tenancy agreement, and where the tenant advised the landlord of the state of disrepair. Amendments to the Act in force from July 2016 require all rental accommodation to have smoke alarms, and all new tenancy

agreements to include a statement of the extent and condition of insulation in the property. Ceiling and floor insulation requirements will come into effect in 2019.

6. Review of international tenure security models

Table 1 below shows the variety of approaches to long-term tenancy and tenure security. It summarises legal and other mechanisms in Australia, North America, the United Kingdom and Europe. The table is organised around the critical regulatory elements contributing to tenure security that are identified in the literature. These cover:

- Rent setting and controls: rent regulation and security of tenure are inextricably linked. Rental levels and rental increases affect the ongoing affordability of the tenancy and can precipitate leaving a tenancy.
- Lease term: the degree of certainty over the term of tenancy affects tenure security.
- Termination and eviction: termination and eviction provisions determine the level of certainty and choice tenants have over their stay.
- Repairs, maintenance and modifications: landlord provision, or lack of provision of these can affect the suitability of the dwelling for the tenant, and impact on their ability to stay in the dwelling.

The table also includes three further elements that are considered to support tenure security. These may include regulation, as well as other mechanisms:

- Tenant education and assistance: measures to improve tenants' knowledge of tenant rights and responsibilities, and their capability to sustain tenancies.
- Landlord education and training: measures to improve landlords' understanding of legal obligations, and improve tenancy management.
- Instruments to increase affordable housing supply: these instruments focus on increasing the stock of affordable housing to reduce price barriers for low-income tenants.

The particular differences between the New Zealand rental market and the countries reviewed are:

- In New Zealand, periodic tenure is the most common form of tenancy – i.e. there is no fixed rental period. In contrast, in almost all of the European countries reviewed, long fixed term tenancies are common.
- There is no regulatory rent control in New Zealand. There are various forms of rent setting and rent controls in the countries reviewed.
- There are few house condition provisions in New Zealand's Residential Tenancies Act and no specification of housing quality, although recent changes to be introduced require insulation and smoke alarms to be installed. In the countries reviewed there are a variety of requirements around repairs, renovations and modifications.
- A landlord can give notice to end tenure for no reason in New Zealand. In most countries reviewed, grounds for termination and eviction are specified and restricted.

Across the countries reviewed, the instruments promoting tenure security cover:

- Rent setting and rents controls are common in different forms across Europe and a number of cities in the United States. Rent setting can take into account location and dwelling quality.
- Long leases are common, in both the public and private rental sectors (but only apply to the public sector in Australia). The length of long leases extends from three years,

to over nine years. In some countries such as the Netherlands, Sweden and Austria, some leases are for an unlimited period.

- Restricted grounds for termination and lengthy termination notice required of landlords are common in the United Kingdom, European jurisdictions and in some parts of North America, and apply in both the public and private rental sectors.
- Rules that permit evictions only on specific, justified grounds ('good cause' evictions) are widespread in the United Kingdom, European jurisdictions and in some parts of North America, and apply in both the public and private rental sectors.
- Provisions to reduce evictions were identified in some European countries and Ontario. These entail working with tenants to remedy tenancy breaches and reduce arrears.
- In European jurisdictions, the United Kingdom and in some parts of North America there are a wide variety of landlord subsidies or financial incentives for repairs, modifications, and renovations. These are often accompanied by regulatory standards around dwelling quality. There are also some examples of tenant incentives and compensation.
- Provisions to increase the supply of affordable rental accommodation apply in both the public and private sectors in a number of jurisdictions. Examples include incentives for individuals and large scale institutional investors to provide affordable rental housing (USA, Ontario), and housing construction bonds (Austria).
- Landlord and tenant education provisions to improve awareness of housing rights and responsibilities, and to reduce problems, evictions and disputes are evident in the United Kingdom, European jurisdictions and in some parts of North America.

In general, provisions for tenure security are not targeted on an age basis. Only two provisions were identified as specifically targeted to older tenants:

- In France, a notice to vacate where the tenant is aged over 70 and has a low income is void unless the landlord offers alternative housing for the tenant.
- In Italy and Austria, landlord subsidies for adaptations/modifications to existing dwellings are targeted to older tenants.

Across the countries reviewed, there is widespread interest in developing the right mix of regulation and deregulation to enable a sustainable private rental sector with reasonable tenure stability for tenants, good quality stock and reasonable returns to maintain landlord investment in the sector. Since the 1980s there have been moves towards deregulation of the private rental market, most notably in the United Kingdom and Finland.²³ Even those countries that have maintained strong regulation, such as Denmark, France, Germany and Switzerland, have developed more nuanced and sophisticated regulatory approaches to take account of market pressures.

The reviewed literature shows that measures taken to increase tenure security are contested and there is mixed evidence on the effectiveness of such measures as rent controls and long-term tenancies. Some commentators argue that deregulation encourages the development of a robust private rental sector that supports tenure security, and that regulation actually has the unintended consequences of reducing rental supply and quality, because prospective landlords are deterred from entering the sector

²³ Heath 2014; Scanlon and Kochan eds 2011.

and existing landlords have no incentive to repair, renovate and upgrade properties. Other commentators note that in most countries where deregulation has occurred in recent decades, the relative scale of private renting has declined, and rents have become increasingly unaffordable.²⁴

7. Conclusions

Across the countries examined, there is no obvious agreement about whether tenure security should be provided through legislation or regulation, and if so in what manner. There are various regulatory regimes, which differ in their basic approach, the mix of instruments used, and in the details of particular instruments. Of course, such differences reflect each country's political, economic, social and demographic characteristics, as well as the historical characteristics of the public and private rental markets and homeownership market.

Within that diversity, there has been an overall trend towards deregulation of the private rental housing sector. Nevertheless, a number of European countries maintain regulation, albeit with greater flexibility and nuanced mechanisms.²⁵ Regulations supporting tenure security cover: rent setting and controls; lease terms; termination and eviction provisions; and repairs, maintenance and modifications requirements. In addition, many of the countries reviewed also offer landlord and tenant education, advice and information programmes, and some operate mechanisms to increase the stock of affordable rental housing, particularly in the private rental sector. However, pursuing substantial institutional investment has proved to be a long and complex process with uncertain outcomes. Some work on why institutional investment in affordable housing does not occur, even though regulation of the rental sector is very light, has been done in Australia.²⁶

Those countries continuing to operate a regulated private rental market with strong provisions aimed at tenure security are characterised by various supporting instruments to encourage sustainability of an affordable private rental sector. These instruments are not only targeted to the private rental market, but also acknowledge the interrelated nature of the private rental market with other housing markets (homeownership, public housing and community housing providers), as well as with the tax system and access to debt finance. Those instruments include institutional investment in private rental stock, financial incentives to private landlords, and tax disincentives to home ownership.

New Zealand's housing sector - its history, policy and regulatory settings and balance between home ownership, public and private rental stocks - is very different to the countries reviewed. None are directly comparable with New Zealand, so what works or does not work in one country cannot be assumed to have similar consequences or impacts in New Zealand.

The introduction to New Zealand of the fundamentals of tenure security regulation evident in Europe would require significant changes in the housing sector, as well as attention to

²⁴ Scanlon and Whitehead 2011b; Hulse *et al* 2011; Heath 2014; Carroll 2008.

²⁵ For example, the prevalence of 'second generation' rent control, which allows limited rent review during a tenancy, rather than a simple cap on rents. See Hulse *et al* 2011.

²⁶ Hulse *et al* 2015.

taxation regimes, institutional investment and other systems. It is unlikely that there would be much public or political appetite for such changes, which do not have strong historical precedents in New Zealand.

However, other, non-regulatory initiatives to improve tenure security that focus on information provision, education and voluntary landlord codes, could gain traction. Initiatives focusing on the needs of older tenants and which support ageing in place could be implemented through not-for-profit housing providers and councils, as well as with private sector property investor and landlord associations.

Regardless of the different regulatory frameworks around tenure security that countries have adopted, a clear set of suggestions for improving rental stability for older tenants emerge from the literature. Those suggestions do not rely on regulation. Instead, they rely on improving the management of tenancies, tenant support, provision of fit-for-purpose accommodation and raising older tenants' awareness of their rights and responsibilities. Such initiatives supporting the ageing in place of older tenants include:²⁷

- Education for landlords and property managers about:
 - Statutory obligations
 - How to identify and manage behavioural signs in older people that can lead to eviction.
- Accessible, high quality advice and support for older tenants with housing problems and needing legal advice, in order to get issues resolved.
- Provision of home care and other services to help older tenants to age in place.
- Residential planning for a percentage of low cost rental dwellings for seniors.
- Greater attention to the safety and security needs of older tenants, including regular checks on older tenants.
- Appropriate placement of older tenants in terms of neighbours, transport and facilities.
- Facilitation of moving to smaller, more suitable dwellings for those older tenants who want or need to move – by providing modern, customised and higher standard properties in the right location that will encourage older people to move.
- Addressing housing conditions affecting older tenants' health.
- Inter-agency sharing of information and resources to improve support for older tenants.

²⁷ Freilich *et al* 2014; Carlton *et al* 2014 ; Fear *et al* 2004.

TABLE 1: TENURE SECURITY: REGULATION, POLICIES AND PROGRAMMES

INSTRUMENT	COUNTRY	REFERENCES	SPECIFIC TO OLDER TENANTS?	PUBLIC OR PRIVATE
RENT SETTING & CONTROLS				
Rent regulations to protect tenants from unaffordable market rents. Examples include: <ul style="list-style-type: none"> • Setting income-related rents in social/public housing • Regulating timing and extent of rent increases for sitting tenants • Protection against rent increases due to renovations • Capping rents • Rent subsidies to households or landlords • If landlord wants to increase rent, landlord must demonstrate it is below the average for the area • Rent based on criteria such as location and dwelling quality 	Australia Belgium Canada Scotland Republic of Ireland Germany Netherlands Sweden Austria France USA (some cities)	Morris 2009 Hulse <i>et al</i> 2011 Abramsson & Anderson 2016 Heath 2014 Scanlon 2011	All ages	Most countries apply provisions to public and private sectors
LONG LEASE TERM				
Examples include: <ul style="list-style-type: none"> • long term leases (at least 3 years) • unlimited lease agreements • rights of succession (if a tenant dies a spouse or co-family member can inherit the tenancy) • long term tenure after initial trial period • automatic rollover of lease if it is not renewed or terminated • short term contracts have limited renewal and then become long term contracts • Sale of property does not normally affect occupancy • Security of lease as long as terms are not breached 	Australia (New South Wales) Austria Belgium England France Germany Republic of Ireland Scotland Sweden Netherlands	Hulse <i>et al</i> 2011 Victoria State Government 2015 Abramsson & Anderson 2016 Morris 2009 Morris 2012 Age UK 2016 Scanlon 2011	All ages	Most countries apply provisions to public and private sectors England: different types of tenancy contracts give different lengths of tenure

TERMINATION				
<p>Examples include:</p> <ul style="list-style-type: none"> • Landlords can only issue terminations on specific, restricted grounds and for legitimate reason • Prohibition of ‘no grounds’ termination • Landlords must give lengthy notice periods • Tenants are able to give short notice of termination • Tenant’s situation and access to alternative accommodation taken into account 	Australia (Tasmania) USA (New Jersey) Canada (Ontario) England Germany Netherlands France Italy Portugal Austria	Hulse <i>et al</i> 2011 Wharton 2011 Victoria State Government 2015 Carroll 2008 Age UK 2016	Mostly not age-specific, although in France: a notice to vacate where the tenant is aged over 70 and has a low income is void unless the landlord offers alternative housing for the tenant	Both England: different types of tenancy contracts give different grounds for termination, including provision for ‘no grounds’ termination
PREVENTION OF EVICTIONS				
<p>Examples include:</p> <ul style="list-style-type: none"> • Termination can be rescinded or reversed when the grounds for eviction is non-payment of rent and a tenant pays their debt or, in some circumstances, makes arrangements to pay debt before notice is executed. • Evictions assistance to tenants to reduce the risk of termination • Extension to help resolve problems and thus avoid eviction • Long notice period for evicting a tenant • Prohibition on winter eviction 	Netherlands Canada (Ontario) Austria France Poland	Hulse <i>et al</i> 2011 Victoria State Government 2015 Carroll 2008	All ages	Both
REPAIRS, MAINTENANCE & MODIFICATIONS				
<p>Examples include:</p> <p><i>Regulatory requirements on standards</i></p> <ul style="list-style-type: none"> • Minimum property and repairs standards in regulation • Legislation allowing legal recourse where failure to carry out repairs results in tenant suffering • Inspection of private rentals • Landlords legally obliged to set funds aside for maintenance 	Scotland England Republic of Ireland Italy Austria Belgium (Flanders) Germany Netherlands	Hulse <i>et al</i> 2011 Lux & Sunega 2014 Victoria State Government 2015 Carlton et al 2004	All ages Subsidies for adaptations to existing dwellings is specific to older tenants in Italy and Austria	Both

<p>and improvements; funds levied from tenants</p> <p><i>Landlord subsidies/incentives</i></p> <ul style="list-style-type: none"> • Support/subsidies for adaptations to existing dwellings • Private landlords with modest income that lease long-term to social rental agency may apply for a renovation subsidy • Low cost loans / financial assistance to landlords of affordable housing for repairs, renovation <p><i>Tenant compensation</i></p> <ul style="list-style-type: none"> • Tenants can trade off rent for performing maintenance • Landlords must obtain permission from tenants to renovate and tenants can apply for reduced rent and compensation during renovations • Tenants in dwellings with severe maintenance problems are entitled to a rent reduction until problems are rectified • Tenants are entitled to withhold rent if there is a defect in a vital facility (heating, running hot and cold water, functioning toilet) or a condition that is unsafe • Tenants are compensated if they are forced to move due to renewal • Public tenants have the 'right to repair,' although only for low value qualifying jobs • Existing tenants have a say in renovations process, rent setting and subsidy arrangements <p><i>Rent controls relating to dwelling condition</i></p> <ul style="list-style-type: none"> • Landlords cannot increase rents if property is sub-standard or poorly maintained • Existing tenants protected from rent increases due to renovations • Amount of rent increase as a result of improvements is regulated <p><i>Early termination</i></p> <ul style="list-style-type: none"> • Programmes targeted to housing providers to address early 	<p>Canada USA (New Jersey)</p>			
--	------------------------------------	--	--	--

<p>termination due to poor property conditions</p> <ul style="list-style-type: none"> If the dwelling is unfit for occupation the tenant is able to leave without giving notice <p><i>Alternative provision of maintenance</i></p> <ul style="list-style-type: none"> Local authority can carry out work that has not been done and recover costs from the landlord <p><i>Dispute resolution</i></p> <ul style="list-style-type: none"> Dispute resolution procedures for disputes concerning maintenance 				
TENANT EDUCATION & ASSISTANCE				
<p>Examples include:</p> <ul style="list-style-type: none"> Assistance to tenants facing eviction Provision of information to housing providers and tenants on emergency income support, tenants' rights and obligations and resources that will help tenants keep their housing 'Housing shops' provide advice and guidance on housing and support, regulations, assistance and services free of charge Tenant advocacy and support services to establish and maintain tenancies Tenant consultation regulations Landlords required to make a financial contribution to the tenants' organisations Human Rights Code provides protection against discrimination and harassment in housing, which has primacy over tenancy laws Specialised tenancy or consumer tribunals established to hear disputes 	<p>Scotland Canada England Germany Belgium (Flanders) Austria Netherlands USA (New Jersey) Republic of Ireland</p>	<p>Hulse <i>et al</i> 2011 Carlton <i>et al</i> 2004</p>	<p>All ages</p>	<p>Both</p>
LANDLORD EDUCATION AND TRAINING				
<p>Examples include:</p> <ul style="list-style-type: none"> Programmes targeted to housing providers to address early termination due to tenants' support needs and financial 	<p>Scotland Canada England</p>	<p>Hulse <i>et al</i> 2011 Carlton <i>et al</i> 2004</p>	<p>All ages</p>	<p>Both</p>

<p>advice needs</p> <ul style="list-style-type: none"> • Provision of information to housing providers and tenants on emergency income support, tenants' rights and obligations and resources that will help tenants keep their housing • Landlord accreditation and registration • Advice and training to improve landlords' understanding of their legal obligations and recommendations for best practice • Multi-agency policies to prevent or address landlord exploitation and harassment of vulnerable tenants • Specialised tenancy or consumer tribunals established to hear disputes 	<p>Germany Belgium (Flanders) Austria Netherlands USA (New Jersey) Republic of Ireland</p>			
INCREASE SUPPLY OF AFFORDABLE RENTAL STOCK				
<p>Examples include:</p> <ul style="list-style-type: none"> • Financial incentives and tax benefits to individuals or entities to build and rent affordable dwellings to lower income tenants • Incentives to private landlords to lease to social landlords & local authorities to let at affordable rentals • Compliance requirements that stock remains affordable long term • Encourage larger scale and corporate investment, e.g. pension funds, life insurance companies, bonds • Waive municipal fees for property constructed as affordable housing • Landlord penalties for empty buildings • Landlords can apply for subsidy tied to specific outcomes (rent limits, allocation rules) 	<p>Australia (although now largely disappeared) USA Belgium (Flanders) Republic of Ireland Canada (Ontario) Austria France Germany Switzerland</p>	<p>Freilich <i>et al</i> 2014 Morris 2013 Hulse <i>et al</i> 2011 Hulse <i>et al</i> 2015 Brown 2013 Heath 2014 Scanlon 2011</p>	<p>All ages</p>	<p>Both</p>

Reference List

- Abramsson, M., and Anderson, E., 2016, "Changing Preferences with Ageing – Housing Choices and Housing Plans of Older People", *Housing, Theory and Society*, 33:2, pp 217-241.
- Age UK, 2016, **Tenancy Rights – Security of Tenure** Fact Sheet 68
http://www.ageuk.org.uk/Documents/EN-GB/Factsheets/FS68_Tenancy_rights_security_of_tenure_fcs.pdf?dtrk=true
(accessed 29 June 2016).
- Brown, K., 2013, "Could France's Empty Office Buildings Ease its Homeless Crisis?" *The Christian Science Monitor*, February 1, 201.
- Carlton, N., Fear, T., and Means, R., 2004, "Responding to the Harassment and Abuse of Older People in the Private Rented Sector: Legal and Social Perspectives", *Journal of Social Welfare and Family Law*, 26:2, 131-145.
- Carroll, A., 2008, "The International Trend Toward Requiring Good Cause for Tenant Eviction: Dangerous Portents for the United States?" *Seton Hall Law Review* 38:427-477.
- Department for Communities and Local Government, 2016, **Dwelling Stock Estimates, 2015, England**
www.gov.uk/government/uploads/system/uploads/attachment_data/file/519475/Dwelling_Stock_Estimates_2015_England.pdf (accessed 29 June 2016).
- Fear, Tina et al, 2004, "Home or hell: older tenants' experiences in the private rented sector", *The Journal of Adult Protection*, 6:2, 15-20.
- Freilich, A., Levine, P., Travia, B., and Webb, E., 2014, **Security of Tenure for the Ageing Population in Western Australia**, University of Western Australia Faculty of Law.
- Heath, S., 2014, **Rent controls in the private rented sector (England)** Standard Note: SN/SP/6760, House of Commons Library, UK Parliament.
<http://researchbriefings.files.parliament.uk/documents/SN06760/SN06760.pdf>
(accessed 29 June 2016).
- Hulse, K., and Milligan, V., 2014. "Secure Occupancy: A New Framework for Analysing Security in Rental Housing", *Housing Studies*, 29:5, 638-656.
- Hulse, K. Milligan, V. and Easthope, H., 2011, **Secure occupancy in rental housing: conceptual foundations and comparative perspectives**, AHURI Final Report No.170. Melbourne, Australian Housing and Urban Research Institute.
- Hulse, K., Reynolds, M., Stone, W., and Yates, J., 2015, **Supply shortages and affordability outcomes in the private rental sector: short and longer term trends** AHURI Final Report No.241. Melbourne, Australian Housing and Urban Research Institute.

- Human Rights Commission, 2010, ***Human Rights in New Zealand*** Auckland, Human Rights Commission.
- Izuhara, M., and Heywood, F., 2003, "A life-time of inequality: a structural analysis of housing careers and issues facing older tenants", ***Ageing and Society***, 2:23, 207-224.
- Johnson, A., 2015, ***Homeless Baby Boomers Housing poorer baby boomers in their retirement***, Auckland, Social Policy and Parliamentary Unit, The Salvation Army.
- Koopman-Boyden, P., van der Plas, S., and Cameron, M., 2007, ***Wellbeing – Social Connectedness and Economic Standard of Living Among 65-84 year Olds in New Zealand***, EWAS Working Paper 9, Wellington, Family Centre Social Policy Research Unit, and Population Studies Centre, The University of Waikato, Hamilton.
- Lux, M., and Sunega, P., 2014, "The impact of housing tenure in supporting ageing in place: exploring the links between housing systems and housing options for the elderly", ***International Journal of Housing Policy***, 14:1, 30-55.
- Mitchell, I., 2015, ***Can Work, Cannot Afford to Buy the Intermediate Housing Market***, Livingston and Associates Ltd, BRANZ External Research Report, LR0484.
- Morris, A., 2009, "Contentment and Suffering: The Impact of Australia's Housing Policy and Tenure on Older Australians", ***The Australian Journal of Social Issues***, 44:4.
- Morris, A., 2012, "Older Social and Private Renters, The Neighbourhood and Social Connections and Activity", ***Urban Policy and Research***, 30:1, 43-58.
- Perry, B., 2010, ***The material wellbeing of older New Zealanders: background paper for the Retirement Commissioner's 2010 review***, Wellington, Ministry of Social Development.
- Saville-Smith, K., 2013, ***Housing Assets: A Paper for the 2013 Review of Retirement Income***, Prepared for the Commission for Financial Literacy and Retirement Income, available at: <http://www.cffc.org.nz/assets/Documents/RI-Review-2013-Housing-Assets-and-Retirement-Income.pdf> (accessed 29 June 2016).
- Scanlon, K., 2011, "Private renting in other countries", pp.15-44 in Scanlon, K., and Kochan, B., (eds) 2011, ***Towards a sustainable private rented sector. Lessons from other countries*** London, The London School of Economics and Political Science.
- Scanlon, K., and Kochan, B., (eds) 2011, ***Towards a sustainable private rented sector. Lessons from other countries*** London, The London School of Economics and Political Science.
- Scanlon, K., and Whitehead, C., 2011a, "Introduction: the need for a sustainable private rented sector", pp.7-14 in Scanlon, K., and Kochan, B., (eds) 2011, ***Towards a sustainable private rented sector. Lessons from other countries*** London, The London School of Economics and Political Science.
- Scanlon, K., and Whitehead, C., 2011b, "Conclusion – the implications for the UK", pp. 139-153 in Scanlon, K., and Kochan, B., (eds) 2011, ***Towards a sustainable private***

rented sector. Lessons from other countries London, The London School of Economics and Political Science.

Statistics New Zealand, 2014, **2013 Census QuickStats about housing**.

www.stats.govt.nz (accessed 18 July 2016).

Stone, W., Burke, T., Hulse, K. and Ralston, L. 2013, **Longterm private rental in a changing Australian private rental sector**, AHURI Final Report No.209. Melbourne: Australian Housing and Urban Research Institute.

Thiele, B., 2012, **Security of Tenure: Legal and Judicial Aspects**, Research Paper Prepared for the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living and on the Right to Non-discrimination in this Context, Raquel Rolnik to Inform her Study on the Security of Tenure.

Victoria State Government, 2015, **Security of Tenure Issues Paper Residential Tenancies Act Review**, Melbourne, Victoria State Government.

Wharton, N., 2011, **Security of Tenure: Conformity of Australia's States' and Territories' Residential Tenancy Laws with the Human Right to Housing** Report <http://research.usc.edu.au/vital/access/manager/Repository/usc:15416> (accessed 29 June 2016).

Wood, G., Smith, S., Ong, R., and Cigdem, M., 2013, **The edges of home ownership**, AHURI Final Report No.216. Melbourne, Australian Housing and Urban Research Institute.