'Family-Friendly' Tenancies in the Private Rented Sector

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Abstract

Purpose – This paper aims to analyse the extent to which the Government's recent proposals to end no-fault evictions will result in 'family-friendly' tenancies.

Design/methodology/approach – It applies the theoretical scholarship on the meaning of family and home, to the current law relating to private rented tenancies and the Government's proposals to increase security of tenure in the private rented sector.

Findings – Security of tenure is important to a number of the key aspects of home. However, feelings of home are better protected by security of occupancy, which requires more than *de jure* security of tenure. For families to feel at home in the private rented sector they must be permitted to personalise their home and to keep pets. Further legislative changes could achieve these changes. However, for families to really make a home in the private rented sector they need to exercise some choice over where they live and for low-income families this will only be possible with broader policy changes.

Originality/value – This article contributes to the important scholarship on the meaning of home and applies this to the very current debate on the rights of tenants in the private rented sector.

Keywords - Security of tenure, concept of home, security of occupancy, family- friendly, eviction.

Paper type – Conceptual paper.

Introduction

Residential occupation in the United Kingdom can broadly be divided into three categories: owner-occupation, social renting, and private renting. In the UK, as in Australia and the United States, owner occupation has been promoted as the most desirable tenure type by the ease of borrowing, favourable tax regimes and other government policies, such as the right to buy. In addition to subsidisation, Ronald argues that the proliferation of home ownership is caused by socio-ideological forces which are encapsulated in phrases such an 'Englishman's home is his castle' (2008, p. 6). Whilst owner occupation may be deemed the most desirable tenure type, the percentage of families living in the private rented sector (PRS) is increasing; in the ten years from 2006-7 to 2016-17 the percentage of families in the sector rose from 34 percent to

38 percent (Ministry of Housing, Communities and Local Government, 2018). This increase has led to rhetoric concerning 'family-friendly' tenancies from housing charities and the Government.

In the private rented sector (PRS) properties are owned by a private landlord who can be an individual or a company. The tenant may deal directly with the landlord or with a management company or letting agent engaged to manage the property. Properties within the sector are often let at a market rent on an assured shorthold tenancy (AST). The sector can be contrasted with the social rented sector where properties are owned by local authorities or housing associations. Tenants in the private rented sector occupy this tenure type for a range of reasons and purposes. The popularity of the sector has varied across recent history, with most people being private rented tenants at the beginning of the twentieth century (Partington, 2006) to it being the least popular tenure by the end of that century (Rhodes, 2015). After a century of decline, the private rented sector has seen considerable growth so that it now accommodates around 20 percent of the population (Ministry of Housing, Communities and Local Government, 2018). The recent history of the sector has seen it predominately house young people saving to buy, with long-term renters occupying social rather than privately rented housing. Growth in Higher Education and the resultant increase in student numbers, has led to an increase in the percentage of young people in the sector (Allinson, 2006; Munro et al, 2009). Some renters, particularly young people, have chosen to rent privately instead of buying because they want the flexibility, locations, and facilities associated with modern city centre developments. Students, save where students fit within the definition of family, and tenants choosing to rent are not the concern of this article. Instead, this article examines the private rented sector from the perspective of families living in the PRS because they cannot afford to buy their own homes and/or because of the lack of availability of social housing in their area.

Part I of this paper, outlines the current legal framework for tenants occupying a privately rented home, the background to the Government's proposed reform and what is known about the detail of the proposal. Part II considers the meaning of family and examines literature from a range of disciplines concerning the concept of 'home'. These concepts of home are then applied to the PRS and, more specifically, the occupation of families within it. Part III draws together the proposals for open-ended tenancies in the PRS and considers the extent to which this legislative change would enable families to be 'at home' in the sector.

Part I – The Current Legal Framework and Proposals for Reform

The legal framework

Currently, tenants in the PRS generally occupy under an assured shorthold tenancy (AST) granted for a term of six months or a year. It is possible for landlords to agree to longer tenancies but in practice these are rarely granted. Assured shorthold tenancies are a type of assured tenancy with very limited security of tenure. As with all assured tenancies, there are a number of grounds on which a landlord can start possession proceedings. These grounds are set out in s. 8 of the Housing Act 1988 and are divided into two categories, mandatory grounds and discretionary grounds. Where a mandatory ground is established, the court *must* grant possession. The most commonly invoked mandatory ground is serious rent arrears. In addition to the mandatory grounds, there are a number of discretionary grounds where the court may make an order for possession if it is reasonable to do so. In addition to the grounds under s.8, assured shorthold tenancies may be ended by notice without the landlord specifying any fault or reason. After the expiry of the fixed term, the landlord can require the tenant to leave by serving a section 21 notice under the Housing Act 1988. Often landlords do not serve a s. 21 notice and the tenant either signs a new fixed term tenancy or often simply continues to occupy. Where occupation continues without a new tenancy, a statutory periodic tenancy arises. In this

case, the landlord can serve two months' notice on the tenant at any time. Two months is therefore the only security of tenure many private tenants have.

The background to the proposed reform

In response to the increase in families living in the PRS, in 2012 the housing charity Shelter proposed the introduction of a 'stable rental contract'. The proposal was for a term of five years during which time the tenant could not be evicted without a legitimate reason. Rent increases would be limited to a maximum of an annual Consumer Price Index (CPI) increase. In addition to a longer-term and rent protection, Shelter stated the importance of renters being allowed to make their house a home. It was, therefore, suggested that tenants should be allowed to decorate walls or have pets without their landlord's permission, as long as any damage was repaired and the walls were returned to neutral at the end of the tenancy (Shelter, 2012). Since making this proposal, Shelter has continued to advocate for longer tenancies for families in the PRS (Shelter, 2014, 2015, 2016, 2017). Renting families want longer tenancies but most have moved in the last five years (Shelter, 2016). Shelter's research demonstrates that, for families, in particular, the ability to stay in a rented property in the long term is very important. In recent years as well as calling for longer tenancies in the PRS, campaign groups have specifically called for the abolition of s. 21 to put an end to no-fault evictions (Generation Rent, 2016).

The Government also began to acknowledge that longer tenancies would be beneficial to tenants. The Coalition Government developed a model longer tenancy designed to encourage landlords to let for terms of two years or more. In the guidance to the template agreement, the Coalition Government acknowledged that 'there is a growing interest in tenancies that have a longer fixed period – e.g. three years. Such agreements can give tenants – particularly families with children – greater certainty and stability to plan for the future' (Department for Communities and Local Government, 2016). There was no incentive or compulsion for

landlords to use the template or to offer a longer tenancy. Indeed, the Government later acknowledged that although it was possible for landlords to grant longer tenancies, 81 percent of tenancies were granted for an initial term of 6 or 12 months (Ministry of Housing, Communities and Local Government, 2018). The current Conservative Government acknowledged that changes were necessary to better accommodate families in rented homes. In the Housing White Paper, proposals were made to ensure that family-friendly tenancies of three or more years became available to tenants that wanted them. The White Paper suggested that these longer tenancies would be in new Build to Rent (BTR) properties. Built to Rent is certainly a growth area particularly in London (Savills, 2019). It is unlikely however, that BTR will make any meaningful contribution to the problems faced by families in the PRS. Currently, these developments are aimed the young and wealthy tenant and who values city centre location, service, and flexibility. Jones Lange La Salle found that the average income of occupiers of BTR schemes was £37,321 (30 percent above the UK median full-time salary) (Jones Lang La Salle, 2018). Clearly, BTR tenancies are currently outside the reach of average income earners.

Last year, the Government commenced a consultation seeking views and comments on overcoming barriers to landlords offering longer tenancies in the private rented sector (Ministry of Housing, Communities and Local Government, 2018). The framework proposed by the consultation was for a minimum three-year tenancy with a mutual break after six months if either party was dissatisfied. Rent would only be increased once per year and the rate of increase would be agreed prior to commencement of the tenancy. The questions asked of consultees were based on this framework. It was, therefore, surprising that the announcement in April 2019 was not that the Government was going to implement longer tenancies but rather that it planned to repeal s. 21 creating indefinite tenancies.

The proposed reform

At the time of writing, details on how the proposed reform would work are scarce. What is clear is that further consultation will be required before legislation can be produced. It is proposed that s. 21 will be repealed and s.8, which sets out the current fault-based grounds, will be strengthened. The Government also proposes adding two additional grounds to s.8 to enable the landlord to occupy the property or to sell with vacant possession. There are a number of issues, which are currently unclear including whether changes to s. 8 will apply only to the private rented sector or whether they will also apply to social tenancies. Perhaps the biggest concern is how landlords can be prevented from circumventing security of tenure by increasing rents. The consultation response provides no clear guidance on this, leaving it to further consultation. We cannot know for certain how landlords will respond to the proposed repeal of s. 21. However, consultation carried out by the Scottish Government relating to a similar change in the law proposed and brought in in Scotland (Robertson, 2014) and analysed by Walsh (2019) suggests a negative response to the change. In response to the Government's announcement in England, the National Landlords' Association who represent 40,000 residential landlords in the UK are campaigning to save s. 21.

Part II – Making a home in the private rented sector

The meaning of family

Families come in many guises and may be classified in a number of ways. They can be categorised according to blood links as is the case with 'nuclear families' and 'extended families'. Families may also include members who are related by marriage such as stepparents and stepsiblings; such families are sometimes referred to a 'blended families'. Families may also be chosen, where friends take the place of blood relatives in forming a support network. Such relationships may be referred to as 'fictive kin' (Ibsen and Klobus, 1972), 'families of choice' (Gazso and McDaniel, 2015), or 'personal communities' (Phal and Spencer, 2004).

Families may even include members from other species, most notably cats and dogs. There is a growing body of research suggesting that the designation of animals within the home has changed from pet to 'companionate family member' (Franklin, 2006). In research carried out in Australia, Franklin found that the majority of pet owners surveyed thought of their animals as members of their family. In more recent research conducted in Australia, Power (2017) noted the importance of companionate animals within the family and the perceived relationship between pets and rental insecurity. Research also suggests that these relationships are not merely sentimental but are also beneficial. For example, schools and universities have noted the stress relieving benefits of dogs (Ward-Griffin et al, 2017). Some sociologists have argued that animals (particularly cats and dogs) are capable of 'minded interaction' and intersubjectivity indicative of social life (Tipper, 2011). The relationships between animals and children in the context of the family is arguably particularly strong. Tipper conducted research in which children were asked 'who mattered' to them. The children were not specifically asked about animals, yet 90 percent of those interviewed spoke about animals that they knew or whom they had met. They frequently considered pet animals to be part of their family or friends (Tipper, 2011).

As has been stated above, families are diverse and this is true of families occupying all the tenure types. However, this paper focuses on the private rented sector and it is therefore important to consider what types of family live in this sector. According to the English Housing Survey Private Rented Sector Report, 37 percent of occupants of the PRS have dependent children and 35 percent if these families are lone parent families. For the purpose of this paper, the concept of family is broadly drawn to include at least two people living in a single household at least one of whom has the role of parent or guardian to at least one other. Couples without children, and adult sharers such as groups of students or young professionals are therefore not considered.

The meaning of home

The literature on the meaning of home comes from a range of disciplines including sociology (Dupuis and Thorns, 1998; Mallet, 2004), anthropology (Cieraad, 1991), psychology (Moore, 2000), human geography (Blunt and Dowling, 2006) and housing studies (Gurney, 1999; Heyward, 2005). There have also been a number of books containing interdisciplinary collections (Chapman and Hockey, 2002). Despite the volume of research carried out in recent decades, defining home has proved challenging. Benjamin provides the following attempt:

> The home is that spatially localised, temporally defined, significant and autonomous physical frame and conceptual system for the ordering, transformation and interpretation of the physical and abstract aspects of domestic daily life at several simultaneous spatio-temporal scales, normally activated by the connection to a person or community such as a nuclear family (1995, p. 299).

A number of writers have avoided definition and instead focused on characteristics (Despres 1991), signifiers (Somerville, 1992) or aspects (Heywood, 2005). Hayward (1976) drew nine attributes from a small sample of young residents in Manhattan: relationship with others, relationship with community, self-identity, privacy and refuge, relationship with other sources of meaning about home, personalized space, base of activity, relationship with parents and place of upbringing, and relationship with structure or shelter. Sixsmith (1986) found twenty categories from her research, the most frequently occurring were belonging, happiness, the extent of services, self-expression, spatiality, and type of relationship. Watson and Austerberry (1986) found meanings of home to include decent material conditions and standards, emotional and physical well-being, loving and caring social relationships, control and privacy, and simply having a place to live/ sleep. Tognoli (1987) identified six aspects of home: centrality, rootedness, and place of attachment; continuity unity and order; privacy, refuge security and ownership; self-identity and gender differences; social and family relationships; and socio-cultural context. Despres (1991), in a review of six behavioural studies (including those of Hayward and Sixsmith), identified ten characteristics of home: security and control; reflection

of one's ideas and values; acting upon and modifying one's dwelling; permanence and continuity; relationship with family and friends; centre of activities, refuge from the outside world; indicator of personal status; material structure in a particular location; and a place to own. Somerville (1992), in a study of the meaning of home to homeless people, identified seven signifiers: shelter, hearth, heart, paradise/ haven, abode, privacy, and roots. Mallet, in examining the dominant and recurring ideas about home in the literature, narrowed the categories to five: house, ideal, haven, expression or symbol of self, and being in the world (Mallet, 2004). Mallett, however, explains that researchers have generally limited their analyses to particular dimensions of home and have tended to speak in their own disciplinary voice. The literature demonstrates that there is no consensus within disciplines, let alone across disciplines, as to exactly what constitutes home, 'home is not something that can be defined, quantified and subjected to taxonomic generalisations' (Gurney, 1990 p. 8). There are, however, commonalities between these lists of features of home. Indeed, Somerville states 'all types of study have revealed the same recurrent meanings of home as the center of family life; a place of retreat; safety and relaxation, freedom and independence; self-expression and social status; a place of privacy, continuity and permanence; a financial asset; and a support for work and leisure activities' (Somerville, 1997, p. 226). The lists have also been criticised for implying that all meanings of home are equally experienced and for their failure to fully acknowledge the relationship between items (Moore, 2000). For this article, the various features of home from the literature outlined above were compared and the following four broad categories were created to summarise the recurring themes: shelter and physical structure, privacy, refuge, and control, self-identity and relationships. The meaning of these categories and the impact of tenure upon them is considered further below.

Home as shelter and physical structure

Home as shelter relates to the physical structure of home; to having a roof over one's head (Somerville, 1997). This notion of home is the most tangible but not necessarily the most significant. The provision of shelter alone will not tend to be sufficient for individuals to feel that they have a home. Westman (1995) suggests that the *house* is the part of the dwelling which renders shelter; the *home*, on the other hand, is 'that entity in which we invest our feeling, represented by symbols "binding" us to places and things' (Westman, 1995, p.70). Blunt and Dowling (2006) support this distinction between house and home, pointing out that the feelings and attachments of home can at some times and in certain places, be connected to the physical structure of the house. The extent to which shelter is a fundamental requirement of home is contested in the literature. Homelessness, for example, does not necessarily directly equate with houselessness (Fox, 2002). Gurney found that 'the cultural milieu of life on the street' provided some rough sleepers with a sense of home (Gurney, 1990). Parsell's research, on the other hand, found that a physical structure *was* a requirement of home (Parsell, 2012). The structure of the dwelling may also encompass notions of decency of living conditions and adequacy of space (Somerville, 1992). Watson and Austerberry found that decent material conditions within the dwelling were necessary for a sense of 'home' (Watson and Austerberry, 1986). The extent to which the PRS provides shelter and physical structure, as compared to other tenure types, depends on how widely shelter is drawn as a category. Somerville states that shelter appears to be tenure-invariant (Somerville, 1992). However, if we include the state of condition of the property within this concept, then tenure may have an impact, as privately rented properties are on average in the worst condition of the three tenure types (Ministry of Housing, Communities and Local Government, 2017).

Home as a private refuge and control

Notions of privacy, refuge and control repeat throughout the literature (Douglas, 1991; Dupuis & Thorns, 1996). Saunders suggests that the home is where people 'feel in control of the environment, free from surveillance, free to be themselves and at ease' (Saunders, 1990, p.361). Having control over the space allows a sense of privacy enabling occupiers to enjoy social and intimate relationships and to relax (Mallet, 2004). Home embodies the private sphere and provides a refuge from the public world (Mallet, 2004). However, the notion of the home as security, privacy and control is not always a positive attribute for occupants. Feminist scholars have identified the problematic nature of the home as control. Women in abusive relationships may physically occupy a house but they may not be able to control their lives within that physical space (Bennet, 2011; Tomas & Dittmar 1995). According to Goldsack, 'privacy can mean confinement, captivity and isolation. In such circumstances the home is less of a castle and more of a cage' (2002, p.121). The privacy of the family unit is bounded by the house itself but privacy of the individuals within the family may be bounded by a room within the house (Somerville, 1997). Children and teenagers identify with their bedroom as a private domain or even find home away from home in a hiding place outside the house (Cooper Marcus, 1995). Home as private refuge links to the concept of 'ontological security' defined by Giddens as:

> The confidence that most human beings have in the continuity of their self-identity and the constancy of their social and material environments. Basic to a feeling of ontological security is a sense of the reliability of persons and things (Giddens, 1991)

Housing research has examined the extent to which a home can provide a sense of ontological security (Dupuis and Thorns 1998). Dovey described home as 'a demarcated territory with both physical and symbolic boundaries that ensure that dwellers can control access and behaviour within…' (Dovey, 1985, p. 36). Security of tenure is linked to ontological security, as without security of tenure, there can be little confidence in the constancy of the material environment. Hulse and Milligan argue that 'security of tenure is best described as a politico-legal concept,

which is historically and culturally contingent and which can be regarded as a continuum rather than a dichotomy' (Hulse & Milligan, 2014, p. 640). They also suggest that secure occupancy rather than security of tenure is the appropriate measure of the security experienced by occupants with regard to their home. In their conception of security of occupancy, they suggest an amalgamation of three aspects of security of tenure outlined by van Gelder, *de jure* security, *de facto* security and perpetual security (van Gelder, 2010). *De jure* security equates to legal rules that govern occupation; *de facto* security relates to the actual control of the property regardless of the legal status; and perpetual security refers to the occupiers' perception of security. Secure occupancy, on the other hand, is:

> The extent to which households who occupy rented dwellings can make a house a home and stay there, to the extent they wish to do so, subject to meeting their obligations as a tenant (Hulse & Milligan, 2014, p. 643).

The extent to which home provides a private refuge is clearly impacted by tenure. Saunders argued that home ownership provides the strongest basis for ontological security as compared with other tenure types (Saunders, 1989). The validity of this argument has been disputed in the literature on the basis that it is difficult to disassociate the impact of tenure from other factors such as wealth, living in a nice area, living in a better quality dwelling, being in settled relationships and work (Hiscock et al, 2001). However, private renting is generally considered to offer a lower degree of ontological security (Hiscock et al, 2001). Revocation of s. 21 will increase *de jure* security and to a certain extent security of occupancy. However, security of occupancy is a broader concept which would, according to Hulse and Milligan (2014), involve allowing tenants to modify the property for disability, decorate and keep pets. It would also require avenues for redress in cases of disputes, improved rental supply, and psycho-social dimensions such as a sense of privacy.

Home as self-identity

Home as self-identity draws on adages such as 'there's no place like home' and 'home is where the heart is'. It speaks to our emotional relationship to home (Fox O'Mahony, 2013). According to Cooper Marcus 'throughout our lives whether we are conscious of it or not, our home and its contents are very potent statements about who we are. In particular, they represent symbols of our ego-selves' (Cooper Marcus, 1995, p. 12). Homes are important in reflecting success and status (Rowlands & Gurney, 2001). However the relationship between a dwelling and personal identity may be more or less significant depending on the culture inhabited by the individual. Rapoport (1981) argues that in certain cultures settlement systems are more important than dwellings themselves. He further suggests that non-environmental means such as ritual, clothing, language and rules of occupation may be more significant in establishing identity than dwellings. Stea states that notions of home are 'strongly related to the socio-political economy of the country in question' (Stea, 1995, p. 183). Clearly this article is situated within a specific cultural context and Rapoport agrees that in contemporary Western culture individual identity is seen as important and that self-identity and self-esteem are seen as linked. It is, he argues, in this context that the house as a symbol of self arises. The relationship between home and self-worth is not only culturally variable but may also be gendered. Feminist scholars have noted that the amount of domestic work a home can generate can lead to isolation rather than self-actualisation (Hayden, 1984).

Living in and personalising a dwelling over time synthesises identity and home (Rapoport, 1981). However, Rapoport (1981) argues that personalisation is more important to people who are unable to assert their self-identity through other means such as occupation, profession or academic achievement. Neumark (2013), in a study of people who had been forcibly displaced,

found that the act of beautifying the new home was significant in coming to terms with trauma and feeling at home. It is possible, however, that even with frequent moves private renters can make a home by attaching a sense of home to objects rather than the dwelling itself (Marcoux, 2001). Hurdley (2006) in her study on mantelpieces demonstrates that identity may be constructed by the ordering and display of significant objects within the home. Arguably, it is possible to develop and reconstruct personal-identity through objects, lessening the dependence on a specific house to create a home. Indeed Cooper Marcus states that the inalienability of the right to personalisation of space applies even to prisoners and that when society wants to mould a sense of group identity, for example in the military or religious orders, the right to personalise is reduced or precluded (Cooper Marcus, 1995).

This notion of home as self-identity is strongly linked to Radin's theory of property and personhood. Personal property, according to Radin, is related to self-development, whereas fungible property is not. A 'home' would be categorised as personal property worthy of greater protection than other types of 'fungible' property (Radin, 1993). Stern has criticised the acceptance of the property and personhood theory on the basis that it, in her view, the theory lacks empirical support (Stern, 2009). Fox O'Mahony points out that Sterns critique is narrowly drawn, considering only one aspect of the scholarship on the meaning home, Radin's personhood philosophy. Fox O'Mahony also notes that Stern's focus is limited to the US and further restricted to laws protecting owner-occupied homes (Fox O'Mahony, 2013).

Traditionally home-owners view their homes as an indicator of social status in a way that renters do not (Kemeny, 1981). It is difficult, however, to establish a clear causal link between tenure type and sense of identity and self-esteem. Owner-occupiers may have a higher level of self-esteem than social tenants but we cannot assume that this is a result of the tenure, it may

be the result of other factors including wealth and employment, it may also be that higher self-esteem results in home ownership rather than home ownership increasing self-esteem (Hiscock et al, 2003). Furthermore, repossession of owner-occupied homes may have very negative impacts on self-esteem and physical health (Nettleton & Burrows, 1998). With regard to homes in the PRS, the tenure itself may be perceived as less favourable than owner-occupation and this inequality may lead to negative outcomes in terms of well-being and happiness. It may also be that inequality in terms of autonomy may have negative impacts. Owner-occupiers are able to make changes to their homes to reflect their personal taste whereas private tenants are often not permitted to make changes or may not consider expenditure worthwhile when they have very limited security of tenure.

Home as a social and cultural unit

Home has different meanings depending on its social and cultural positioning. As stated above, the extent to which home contributes to self-identity is culturally variable. Concepts and meanings of home vary not only according to culture but also according to the characteristics of the occupants, be they children, families, older people, people with disabilities and so on (Fox O'Mahony, 2013). In the past the concept of home presented a heavily heteronormative and gendered picture. The domain of women in the home has been portrayed as the kitchen or the bedroom, and the ideal home has been seen as populated with children (Blunt & Dowling, 2006). Men have been perceived as breadwinners spending time outside of the home and this has led to difficulty in feeling 'at home' within the house during unemployment or retirement (McDowell, 2000; Peel, 2003). The link between home and relationships, particularly family relationships is clear in many studies. When people talk of home, they frequently include descriptions of family (Dupuis & Thorns, 1996). Home is the environment within which children are raised and where friends and family are entertained. Dupuis and Thorns (1996), in

their interviews with homeowners, found that it was family that made a house a home. However, Blunt and Dowling suggest that while children are the 'key' inhabitants of 'homely' homes they lack agency within the home (Blunt & Dowling, 2006).

Research regarding the perceptions of pets within the family has suggested that many individuals, especially children, view pets as family members. The inability to keep pets in many privately rented properties is therefore likely to have a negative impact on the sense of home for those living in the PRS. Indeed, it is suggested that some landlords refuse not only pets but also refuse to let to couples or individuals with children, even where the house is clearly suitable for a family (Shelter, 2017).

The cultural and social context of the home is likely to be impacted by different types of tenure. The traditional insecurity of the PRS makes it difficult to raise their children without disruption from frequent moves. Even where moves are not frequent, the threat of eviction will be unsettling. It is clear that children who live in 'bad housing' suffer physically, mentally and emotionally (Harker, 2006). However, the link between tenancy type and children's wellbeing is less clear. In a recent comparative study, Bourassa et al compared children's outcomes in the US and Switzerland (Bourassa et al, 2016). The US, like the UK, is a home-owning society, whereas Switzerland's homeownership rate is low (Bourassa et al, 2016). This research found that housing quality, particularly overcrowding, rather than homeownership affected children's outcomes. Private renting is the norm in Switzerland for more than half the population and as most tenancies are open ended security of tenure is not a concern for families (Scanlon and Kochan, 2011). Whilst there is no clear link between tenancy type and the wellbeing of children, research does suggest that relocation results in poor outcomes for children (Haveman, Wolfe and Spaulding, 1991; Schmitz, Wagner and Menke, 1995).

Part III – the future of 'family friendly' tenancies in the PRS

The analysis of the literature on home in the previous section suggests that making a family home in the PRS may be more difficult than in an owned home. Privately rented homes do not provide the same quality of shelter or amount of privacy. The extent to which self-identity and ontological security are impacted by tenure type is contested and research shows that, in the absence of a permanent home, people are able to construct some of the benefits of home through objects or personalisation of space. However, this paper is culturally situated in a society in which home ownership and rental stability in social housing have been the norm. The absence of security of tenure in our society will therefore impede the ontological security of renters in the PRS. Tenancies that do not permit children or pets create scarcity of choice for families where there is already an undersupply of suitable homes. Furthermore, the banning of pets can result in families having to give up a companionate animal perceived as a family member.

Increasing security of tenure by the creation of open-ended tenancies would make a significant difference to the ability for tenants to make a home in the PRS. Parents would be able to plan their children's education, safe in the knowledge that they can stay as long as they like (subject to the landlord not wanting to live in or sell the property). Tenants would also be in a much stronger position to insist upon repairs without fear of eviction. Revocation of s. 21 will certainly increase *de jure* security. However, security of tenure alone would not make a house a home. As Hulse and Milligan (2014) note, security of occupancy requires more than the legal right to remain in the property, it is a broader concept that requires that tenants be permitted to modify of the property, decorate and keep pets. Furthermore, it requires avenues for redress in

cases of disputes, improved rental supply, and psycho-social dimensions such as a sense of privacy. The research on home and self-identity also suggests that personalisation is important. In the socio-cultural context of contemporary Western culture the home is seen as a symbol of self and personalising a dwelling synthesises identify and home. On this basis landlords should be required to allow tenants to decorate their homes. Furthermore, tenants are more likely to feel it is worthwhile decorating and maintaining the property when they are not in fear of imminent eviction. Research on companionate animals and the perceptions of their role with in the family make a clear case for the importance of encouraging landlords to allow pets in suitable rental accommodation. It would be difficult to legislate for allowing pets as clearly the landlord may rightly wish to consider whether an individual dog is suitable for the size of the property and the garden and whether the proposed pet may cause problems with the neighbours. Landlords could, perhaps, be required to explain why they are rejecting a tenant's request to keep a pet.

Changing the law as outlined above will not solve all the problems for families wishing to make a home in the PRS. The law does not currently prevent landlords granting longer tenancies or allowing tenants to decorate and keep pets. Landlords and letting agents currently choose to grant shorter tenancies and to prohibit decoration and keeping of pets. Regulation can prevent landlords from evicting tenants without fault but shortage of supply of homes means that landlords can pick and choose tenants. This enables landlords to discriminate against tenants who are in receipt of housing benefit, even in the face of a proposed ban on such discrimination (Work and Pensions Committee, 2019). Shortage of supply also enables landlords to discriminate against tenants with pets or children. It has been difficult to get the worst landlords to comply with their current legal obligations, for example, with regard to repair. This problem is made worse where tenants are reluctant to damage their relationship with their landlord

because they have limited alternative housing options. Even where tenants' rights are strengthened by legislation, it is not clear that tenants will have the confidence to exercise those rights. In addition to the proposed revocation of s. 21, the Government needs to address the cost and availability of private rented homes. An increase in competition in the market would increase the bargaining power of tenants and encourage landlords to provide the tenancies fit for families.

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