

Tracing absentee landlords: A rapid review of the evidence

A review by the: CLAHRC NWC Public Health Theme

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TABLE OF CONTENTS

WHAT IS NIHR CLAHRC NWC?.....	3
Introduction	3
Research Question	3
Method	3
Definition of absentee landlords	4
Discussion.....	5
The impacts of absentee landlordism on tenants and local communities	5
Identifying absentee owners	6
Statutory powers available to local government.....	6
National information sources	7
Local authority information systems and records	8
Other tracing methods.....	9
Future sources of information to assist identification of absentee landlords.....	10
Best practice example.....	10

WHAT IS NIHR CLAHRC NWC?¹

The NIHR Collaboration for Leadership in Applied Health Research and Care for the North West Coast (CLAHRC NWC²) is undertaking an innovative programme known as the Neighbourhood Resilience Programme (NRP). NRP aims to shift the policy and practice focus beyond the resilience of people living in disadvantaged neighbourhoods, to engagement with neighbourhoods as *systems* and how the collective resilience of those living/working in neighbourhoods and that of the public, private and voluntary organisations, can be enhanced.

Just promoting individual or community resilience alone is not enough to improve the social determinants of health, rather enhancing resilience at a systems level is essential to releasing the collective capabilities of residents and the people providing and commissioning the services on which they rely.

The NRP operates in ten 'Neighbourhoods for Learning' (Nsfl), chosen by our nine local authority partners³ as ward-sized neighbourhoods with relatively poor health. The primary objective of NRP is to contribute to enhancing 'systems resilience' in these neighbourhoods, to improve the social determinants of health inequalities. We define resilient systems as:

...those that take action to enhance the personal and collective capacity of citizens and institutions to respond to and influence the course of social, economic and environmental change (Colussi, 2000⁴).

INTRODUCTION

The purpose of this review report is to set out the findings of a very rapid review (VRR) of the available evidence on absentee private sector landlords, with a focus on the most effective approaches by which local authorities can identify and trace absentee or 'uncontactable' private sector landlords.

RESEARCH QUESTION

Tracing absentee private sector landlords - a local authority perspective.

METHOD

The Web of Science was used as the primary tool to search the current academic literature. This tool enables researchers to conduct comprehensive citation searches through access to multiple databases that reference cross-disciplinary research. Using a basic search on the "topic" field, the keyword/phrase search terms used on the Web of Science system were:

- "Absentee landlords" = seven citations returned, none were relevant to research question (Date searched - 09/03/17).
- "Absent landlords" = one citation returned, none were relevant to research question (09/03/17).
- "Private landlords" = thirty-three citations returned, none were relevant to research question (10/03/17).

¹ All authors are funded/part funded by the National Institute for Health Research, Collaboration for Leadership in Applied Health Research and Care North West Coast (NIHR CLAHRC NWC). The views expressed are those of the author(s) and not necessarily those of the NHS, the NIHR or the Department of Health.

² More information available at: <http://www.clahrc-nwc.nihr.ac.uk/index.php>.

³ Lancashire County Council (has two neighbourhoods), Cumbria CC, Blackpool Borough Council, Blackburn with Darwen BC, Halton BC, Knowsley BC, Sefton BC, Liverpool City Council and Cheshire West and Chester Council.

⁴ Colussi, M. (2000) *The Community Resilience Manual*. Canadian Centre for Community Renewal.

- “Absentee landlordism” = two citations returned, none were relevant to research question (13/03/17).
- “Rogue landlords” = zero citations returned (13/03/17).

The timespan for the searches encompassed the period between 1990-2017.

Some of the sources returned covered issues such as the effects of absentee landlords in the Third World or historical perspectives relating to absentee landlordism, for example during the European colonial period in Africa.

Given the poor return of citations from the Web of Science, it was decided to conduct an additional search using the University of Liverpool’s library catalogue. The same search terms used on Web of Science searches were employed. Once again, these searches did not yield any relevant material.

Further searches were conducted using Google Scholar, complemented by generic Google searches to identify any relevant non-academic grey literature and policy documents. Some additional broad search terms were employed, including ‘dealing with rogue landlords’, ‘tracing absentee landlords’ and ‘tackling bad practice among private landlords’.

A small amount of ‘non-academic’ literature, mainly policy literature, was identified from these searches, which largely informs the findings of this review.

DEFINITION OF ABSENTEE LANDLORDS

An absentee landlord is one who cannot be easily contacted or identified by the tenant or an organisation who deal with or have an interest in housing/property management matters such as local authorities. Many absentee landlords purchase property or land for investment purposes and manage this through agents or property management organisations. Consequently, these landlords often have little or no awareness of or interest in the local communities where their property or land is situated, their only motivation being profit.⁵

Some absentee landlords may be difficult to trace because they live outside the UK or conduct their affairs through housing management companies or employ letting agencies. In other cases, unscrupulous or rogue landlords may deliberately attempt to conceal their identity from tenants, communities and public authorities to avoid detection or scrutiny. Often the properties owned by these ‘uncontactable’ landlords are poorly managed and maintained, which in turn can contribute to a range of housing-related and wider social and environmental problems in neighbourhoods such as anti-social behaviour, crime and a general deterioration in the surrounding local environment and amenity. As Rephann (2009) points out:

... the so-called “absentee” landlord and urban “slumlord” is viewed as a major source of problems, such as crime and neighborhood blight, that plague distressed neighborhoods. According to conventional wisdom, nonresident landlords are less likely to screen their tenants, to manage and maintain properties properly, and to have an interest in the wellbeing of the surrounding community.⁶

It is important to note that the term ‘absentee landlord’ should not always be understood in a pejorative sense as a reference to a ‘problem’ or ‘rogue’ landlord. As discussed above, some absentee

⁵ Norwich City Council (2005) *Planning policy options for Houses in Multiple Occupation (HMOs)*. Report to Sustainable Development Panel, 25th March 2015.

⁶ Rephann, T.J. Rental housing and crime: the role of property ownership and management. The *Annals of Regional Science*. June 2009, Volume 43, Issue 2, pp 435-45. Also see: http://www.coopercenter.org/sites/default/files/publications/crime_paper.pdf.

landlords employ agents or property managers to manage their property(ies) and to deal with practical matters such as tenancy agreements, collection of rents and property maintenance etc. In fact, poor management and practices by agents or housing management companies can be the primary cause of problems afflicting certain neighbourhoods rather than the personal negligence of the owner. Because of these arms-length management arrangements, some absentee landlords may genuinely be unaware of serious problems relating to the management/mismanagement of property under their ownership.

DISCUSSION

It was immediately apparent from the very rapid review (VRR) that there was a dearth of academic literature on this topic. Consequently, the search focus of the VRR shifted to the grey and policy literatures. However, these searches also highlighted a relative paucity of relevant sources. The evidence uncovered by the various searches is divided into a series of key themes, which are discussed below.

The impacts of absentee landlordism on tenants and local communities

Absentee landlords, especially those that can be categorised as ‘problem or rogue landlords’, create numerous social, legal and health and safety problems in localities. For instance:

These landlords condemn their tenants to living in rundown, unsafe, or overcrowded properties. They often neglect their properties, avoiding making the necessary, legal improvements. Or they will intimidate those who speak out, threatening them with eviction. Equally, more than a third of private rented homes fail to meet the government’s minimum decency standards. And serious, Category I hazards are present in more than a fifth of rented homes in England. This includes serious electrical hazards and damp. This is a significant concern, especially at a time when the private rented sector is housing more vulnerable households and families with children (Shelter, 2013: 3).⁷

Not only are tenants affected but it is also evident that the actions and behaviour of irresponsible private sector landlords can often be critical to the broader socio-economic and environmental well-being of some neighbourhoods (Davies and Turley, 2014)⁸ from a ‘ripple effect’:

The poor quality, overcrowded and dangerous accommodation let by rogue landlords can result in a ripple effect of wider problems in the local community such as noise problems; sanitation issues for whole roads; greater fire risk; council tax and benefit fraud and anti-social behaviour such as street drinking.⁹

A study by Cox et al (2010)¹⁰ into the subject of revitalising deprived communities in the UK also highlighted the long-term implications of absentee landlordism on both the existing community and

⁷ Shelter (2013) *What works? Tackling rogue landlords and improving the private rented sector*. Available at: https://england.shelter.org.uk/data/assets/pdf_file/0003/703740/Emerging_Good_Practice_Report_v2.pdf. Accessed on: 03/04/17.

⁸ Davies, B. and Turley, A. (2014). *Back to Rising Damp? Addressing housing quality in the private rented sector*. IPPR North. Available at: http://www.ippr.org/files/images/media/files/publication/2014/01/back-to-rising-damp_PRS_Jan2014_11767.pdf?noredirect=1. Accessed on: 20/03/17.

⁹ Department for Communities and Local Government. *Housing Minister announces cash boost for councils to tackle rogue landlords*. Press Release, 22 January 2016. Available at: <https://www.gov.uk/government/news/5-million-cash-for-councils-to-stop-rogue-landlords>. Accessed on: 04/03/17.

¹⁰ Cox, E., Schmuecker, K., Ormston, C., Baker, R., and Kelley, N. (2010) *Rebalancing Local Economies: Widening Economic Opportunities for People in Deprived Communities*. Newcastle upon Tyne: IPPR North, Joseph Rowntree Foundation and The Northern Way. Available at:

new tenants coming into the neighbourhood. This study found that in those localities with declining private housing values properties were often purchased cheaply by mainly absentee landlords, many of whom subsequently let these dwellings without proper checks on tenants or effective management arrangements in place. As a consequence of these practices, these neighbourhoods descended into:

... a vicious circle of deteriorating physical fabric, increasing criminality and drug-related activity, which reinforced negative reputation and stigmatisation. In turn, those that left were replaced by the most vulnerable and those with limited opportunities. The results were localities where inhabitants had entrenched multiple social and economic disadvantages (Davies and Turley, 2014: 14).

While it is important to acknowledge that the actions of negligent or rogue absentee landlords are only one component among a multitude of complex causes contributing to neighbourhood decline, Cox et al's (2010) research found that the poor management practices of private sector absentee landlords were a common factor across 'lagging' case study examples that formed part of their investigation.¹¹ In order to address the impacts of poor property management practices, particularly in deprived or 'distressed' (Rephann, 2009) neighbourhoods, it is often an imperative for public authorities, tenants and the wider community to quickly trace irresponsible absentee landlords.

However, while some absentee landlords - once they have been traced - are willing to co-operate with public authorities, in certain cases local government and other partners are compelled to implement enforcement action or follow legal recourse to tackle the negligence of certain absentee property owners.

Identifying absentee owners

The findings presented in this section relate mainly to property owners who reside in the United Kingdom. However, tracing landlords who live outside the country can be an especially challenging task for local authorities, particularly in cases where properties have been purchased purely for investment purposes by non-resident UK landlords.¹²

Absentee landlords can be traced and identified through a range of approaches.¹³

Statutory powers available to local government

There are Acts of Parliament that provide statutory powers to local authorities that can assist in finding owners of properties.

Provisions under the Town and Country Planning Act 1990 (TCPA)

Using the provisions of this Act, Local Planning Authorities (LPA) can:

...request information under the Town and Country Planning Act 1990 (TCPA) from occupiers and agents with regards to their interests in a property. By serving a section 330 notice, an LPA can request information from an occupier of any premises or from anyone (directly or indirectly) in

<http://www.ippr.org/publication/55/1801/rebalancing-local-economies-wideningeconomic-opportunities-for-people-in-deprived-communities>. Accessed on 03/04/17.

¹¹ Ibid.

¹² Manchester City Council, Resources and Governance Overview and Scrutiny Committee. *Annual update on performance in the Revenues and Benefits Unit*. Available at: http://www.manchester.gov.uk/egov_downloads/Revenues_and_Benefits_Service.pdf. Accessed on: 07/04/17.

¹³ Some of these tracing approaches/methods may be subject data protection regulations.

receipt of rent from a property, to state their interest in the property. This will include the disclosure of names and addresses of anyone they know to have an interest in that property. Information must be provided within 21 days from the date the notice was served and failure to comply or the provision of false information is punishable by a fine.

This can be an effective approach in obtaining information/contact details within a relatively short timescale.

*Power of local authorities to obtain particulars of persons interested in land*¹⁴

As with the Town and Country Planning Act 1990, there is a similar power available to local authorities that can be exercised through the provisions set out in section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This permits a local authority when exercising a function conferred to it by 'any enactment ... to have information connected with any land.' An authority can serve notices on one or more individuals including:

- the 'occupier of the land;
- any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land;
- any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it' (e.g. agents).

It is important to note that the section 16 power can also be used to 'serve notices on agents who manage the property without receiving the rent (either directly or indirectly)'.¹⁵ Those served notices are obliged to provide the required information to the local authority.

National information sources

Land Registry search

In cases where '...freehold and leasehold titles have been registered, ownership details can be requested from HM Land Registry by way of an index map search. However, this will not disclose details of leases with duration of less than 7 years nor of licences.'¹⁶

It is important to note that there are limitations to the use of the *Land Registry* as it can provide owners' names, but often only their previous addresses.¹⁷

Register of Companies

Absentee landlords who also hold directorships of companies can be traced by consulting the *Register of Companies* which by statute law holds the current addresses of Company Directors.¹⁸

¹⁴ Information on this section from *Local Government (Miscellaneous Provisions) Act 1976*. Available at: <http://www.legislation.gov.uk/ukpga/1976/57>. Accessed on: 21/03/17.

¹⁵ Town Centred. *Empty Shops and Negligent or Absent Landlords*. Available at: <http://www.towncentred.com/ideas-1/negligent-or-absent-landlords>. Accessed on: 15/03/17.

¹⁶ Ibid.

¹⁷ Chartered Institute of Housing in Scotland (2003) *Common Property, Common Poverty*. Available at: <http://www.cih.org/resources/PDF/Scotland%20Policy%20Pdfs/Private%20Housing/Common%20Property,%20Common%20Poverty%20%20Report.pdf>. Accessed on: 14/03/17.

¹⁸ Chartered Institute of Housing in Scotland (2003) *Common Property, Common Poverty*. Available at: <http://www.cih.org/resources/PDF/Scotland%20Policy%20Pdfs/Private%20Housing/Common%20Property,%20Common%20Poverty%20%20Report.pdf>. Accessed on: 14/03/17.

Local authority information systems and records

Local authorities have a range of existing internal systems and information sources at their disposal which can be deployed to trace absentee landlords. This works best when there is effective co-operation among local authority departments and staff, and indeed some local authorities have established protocols or policies to assist this process (see below). From an operational standpoint, maintaining accurate and up-to-date records and having in place effective information retrieval systems or processes are also important factors in this line of work.

Many local authorities make use of their *Council Tax records* to trace absentee property owners.¹⁹ Similarly, the *Housing Benefit system* can also be accessed to identify those landlords who are proving difficult to contact.

The local authority *Housing Waiting/Needs List*, *Housing Benefit Information System* and the *Homeless Persons Unit Information System* can also be searched for contact information of property owners. Individuals who have made an application to 'the Council's Housing List, claimed Housing Benefit or registered themselves as homeless with the local authority may have supplied the landlord's name and address on their application form.'²⁰

Relevant information on the whereabouts of a landlord(s) can sometimes be found in a local authority's *Housing Advice Records*. For example, the Council Housing Advice team may have attempted to trace a landlord after receiving a complaint from a tenant about the condition of a property or following contact from local residents about an issue with a neighbouring empty dwelling etc.

Searches can also be conducted via information systems of a local authority's *Environmental Services Department* to identify whether there are any records of properties/addresses where nuisance, noise or environmental problems have been reported in the past and owner(s) subsequently traced.

Planning and Building Control Departments of local authorities will have information on planning applications that have been submitted. In addition, Building Control/Planning Enforcement Officers may also have relevant information resulting from any dealings with property owners/landlords (e.g. name or last known address).

Contact can be made with the *emergency services* to trace owners. For instance, the police may have information following contact with an owner to secure an empty property after theft or vandalism. Similarly, the Fire Service may have attempted to contact an owner or landlord if they have attended an incident at a property.

Some local authorities might be able to obtain details of property owners under a protocol or 'policy of mutual aid with *utility companies*' such as gas and electricity companies.²¹ However there is little evidence available relating to the operation of protocols or policies of this nature in England or elsewhere in the United Kingdom.

¹⁹ Northampton Borough Council, Overview and Scrutiny, Action Plan: Scrutiny Panel. *Management and Regulation of Private Sector Housing*. Sept 2014. Available at: <http://www.northamptonboroughcouncil.com/documents/s48370/Private%20Sector%20Housing%20Action%20Plan%20Overview%20Scrutiny%2025%20Nov%202015.pdf>. Accessed on 15/03/17.

²⁰ National Association of Empty Property Practitioners (NAEPP) (no date) *NAEPP QR Guide*. Available at: www.ehnetwork.org.uk/system/files/library-item/NAEPP%20QR%20Guide.doc. Accessed on: 27/03/17. Note that the NAEPP has now been renamed the Empty Homes Network.

²¹ National Association of Empty Property Practitioners (NAEPP) (no date) *NAEPP QR Guide*. Available at: www.ehnetwork.org.uk/system/files/library-item/NAEPP%20QR%20Guide.doc. Accessed on: 27/03/17.

It is important to note that the effectiveness of many of these information sources in tracing absentee owners is limited, in that ownership of property changes over time. In addition, there are landlords who may change their contact details regularly, in some cases to deliberately avoid being identified or traced.

Another approach that can be used to trace landlords and property owners is 'word of mouth' information. This can be garnered from local councillors, neighbours, neighbourhood community organisations (e.g. Neighbourhood Watch and resident associations) or local businesses and service providers operating in the surrounding area.

Other tracing methods

Tenancy Agreements

Information contained in a *tenant's agreement* with their landlords can be used by local authorities to track down absentee owners. However, some landlords may not provide contact details in a tenancy agreement.

So-called amateur²² landlords²³ can be difficult to trace as they often do not provide tenants with a tenancy agreement. Instead they sometimes supply only a mobile phone contact number and often they do not provide their surname to tenants. Ironically once located, these amateur landlords can often be found to reside in the local area.

Using tracing services or agents

There are also so-called *tracing services*, that is companies or organisations who offer to find or track down 'missing' landlords. These organisations 'specialise in locating absentee owners through professional genealogical and legal research services.'²⁴

In Burnley during 2011 the Borough Council employed an investigatory organisation known as FinderMonkey to track down these landlords. Originally this organisation specialised in tracing missing persons and it deployed similar techniques to find absentee landlords. Investigators provided the council with information that included 'up-to-date names and telephone numbers', which were then 'distributed to council tax, revenues, housing and planning officers at the council.' This information enabled the council to collect outstanding fines/bills from these absentee landlords.²⁵

Burnley's efforts focused on finding those landlords who had allowed their properties to become dilapidated and had failed to undertake the necessary maintenance work to restore them to a fit and proper condition.

²² An amateur landlord is one who has 'either inherited a property that he has rented out or two single people have moved in together and the extra property is being rented rather than having been sold. This type of landlord sometimes tries to manage the property themselves'. South Tyneside Council (2011) *DRAFT Scrutiny Commission on Empty Properties– Final Report* (See: pages 32 and 34).

²³ For an alternative definition see: Norwich City Council (2005) *Planning policy options for Houses in Multiple Occupation (HMOs)*. Report to Sustainable Development Panel, 25th March 2015.

²⁴ Cheshire West and Chester Council (2016) *Empty Homes Strategy 2016 - 2021. Building Futures Opening Doors*. Available at: <https://www.cheshirewestandchester.gov.uk/Documents/housing/documents-2016/empty-homes-strategy/empty-homes-strategy-2016-2021.pdf>. Accessed on: 11/03/17.

²⁵ Lancashire Telegraph. *Burnley housing chiefs call in 'bounty hunters'* (21/07/11). Available at: http://www.lancashiretelegraph.co.uk/news/9151947.Burnley_housing_chiefs_call_in_bounty_hunters/. Accessed on: 27/03/17.

Future sources of information to assist identification of absentee landlords

Rogue landlords and property agents' database

The Housing and Planning Act 2016 will introduce into England a database of rogue landlords and letting agents that can be accessed by local authorities. This database will be held by the Department for Communities and Local Government and it is scheduled to become operational in October 2017. Information will be added to the database by local authorities whenever a banning order has been issued against a rogue landlord or property management agent within their local jurisdiction.²⁶ These data will allow councils to:

... map which properties are rented in their area, to assist in developing their enforcement strategies. By matching this data with other datasets, authorities will be able to identify potential rogue landlords who have not registered their tenants.²⁷

This database will assist local authorities to track rogue landlords and agents and subsequently enable more effective targeting of enforcement action against these individuals.²⁸

Access to tenancy deposit protection schemes

The Housing and Planning Act (2016) also provided new powers to local authorities to access data held by Tenancy Deposit Protection (TDP) schemes in England. Having access to these data will assist local authorities to:

...more easily identify privately rented housing, so cutting the costs of enforcement and reducing the need to operate borough-wide licensing schemes that impact on good landlords. The data will assist authorities to identify and target the small minority of rogue landlords who knowingly rent out unsafe and substandard accommodation.

Significantly, councils will be able to cross reference information by combining:

... the TDP data with existing datasets (such as council tax data and housing benefit data) to identify properties that are not on the TDP list, and hence those likely to be of interest as potentially belonging to 'rogue' landlords.

The introduction of this new power for local authorities in England seems to mirror existing arrangements already operational in both Scotland and Northern Ireland.

Best practice example

Protocol for identifying absent landlords - Northampton BC

Northampton Borough Council have developed a protocol for identifying absentee landlords that will be supported by a mapping exercise to identify Houses in Multiple Occupation (HMOs) located in the Borough.²⁹ This approach utilises some of the tracing methods and tools identified earlier in this review report. The protocol has several components:

²⁶ Residential Landlords Association (25/05/16). *Housing and Planning Act – what happens next?* Available at: <https://news.rla.org.uk/housing-and-planhat-happens-next/>. Accessed on: 03/04/17.

²⁷ Department for Communities and Local Government. *Policy Fact Sheet: Access to Tenancy Deposit Data*. Available at: www.lordswhips.org.uk/download.axd?id=56a2645d98f9411b2cf0f59f. Accessed on: 03/04/17.

²⁸ Residential Landlords Association (25/05/16). *Housing and Planning Act – what happens next?* Available at: <https://news.rla.org.uk/housing-and-planhat-happens-next/>. Accessed on: 03/04/17.

²⁹ Northampton Borough Council, Overview and Scrutiny, Action Plan: Scrutiny Panel. *Management and Regulation of Private Sector Housing*. Sept 2014. Available at:

- 'The Private Sector Housing Team is developing an intelligence-led approach to the investigation of landlords and agents, including those who seek to hide by their absence or within companies.
- To assist with this, Officers have obtained real time access to Council Tax and Housing Benefit data.
- Risk assessment processes will be introduced to ensure the service addresses the worst cases first.
- Officers will be trained in advanced investigator/evidence gathering skills to ensure professional and robust enforcement action is undertaken.
- Landlords are encouraged to join professional associations, and to seek accreditation, through a variety of means including the Council's website.'

The role of these trained officers in the intelligence-led team is to 'investigate and bring enforcement against criminal, rogue and irresponsible landlords'.³⁰

Alongside the absentee landlord protocol, a policy for the prosecution of so-called rogue landlords has also been introduced.³¹

<http://www.northamptonboroughcouncil.com/documents/s48370/Private%20Sector%20Housing%20Action%20Plan%20Overview%20Scrutiny%2025%20Nov%202015.pdf>. Accessed on 15/03/17.

³⁰ Northampton Chronicle (10/02/17). *Crackdown on rogue landlords across Northampton*. Available at: <http://www.northamptonchron.co.uk/news/crackdown-on-rogue-landlords-across-northampton-1-7815288>. Accessed on: 03/04/17.

³¹ Northampton Borough Council, Overview and Scrutiny, (10/09/14). Recommendations of the Overview and Scrutiny Committee - *Management and regulation of private sector housing (including HIMOS) – Report to Cabinet*. Available at: <http://www.northamptonboroughcouncil.com/documents/s44552/CABINET%20REPORT%20management%20and%20regulation%20of%20private%20sector%20housing%20version%201.pdf>. Accessed on: 03/04/17.