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**Supply-side review of the UK specialist housing market and why it is failing older people**

**Andrew J.E. Harding,<sup>a\*</sup> Jonathan Parker<sup>a</sup>, Sarah Hean<sup>ab</sup>, Ann Hemingway<sup>a</sup>**

<sup>a</sup>Faculty of Health & Social Sciences, Bournemouth University, Bournemouth, UK;

<sup>b</sup>Department of Social Studies, University of Stavanger, Norway

\*Email: [a.harding5@lancaster.ac.uk](mailto:a.harding5@lancaster.ac.uk)

**Structured abstract**

**Purpose** - This article provides a supply-side review of policies and practices that impact on the shortage of supply in the contemporary specialist housing market for older people in the UK.

**Design/methodology/approach** - The review is based on a review of academic literature, policy documents, reports and other sources.

**Findings** – There is a critical conflict between the key social purpose of specialist housing (i.e. living independent of socially provided care) and the values that underpin and ultimately limit the quantity of units in both the social and private sector. In the social sector, government policies prohibit rather than encourage local authorities and housing associations from increasing specialist housing stock. The nature of leasehold tenures in the private sector tends to commodify not only housing stock but also those who use it and therefore acts to instrumentalise housing supply in favour of the profit motive and the focus on the person and her or his needs is largely ignored.

**Originality/value** – While the shortage of specialist housing is well known, this article is unique in that it provides a comprehensive and critical supply-side review of the factors that have created such conditions.

**Key words** - Older people, sheltered housing, extra care housing, specialist housing, supply-side review

## **Paper type** - General review

### **Introduction**

Vulnerabilities often associated with ageing may challenge an individual's ability to remain independent. In particular, it is common for the physical characteristics of home environments to become inappropriate, harder to navigate or even hazardous (Blackman, 2005). In the UK a key alternative to mainstream housing for older people, which is championed as safeguarding independence by providing care and support, is specialist housing. The two dominant types of specialist housing in the UK are 'sheltered housing' and 'extra care housing'. Both facilitate independent living but incorporate different levels of care and support. 'Retirement housing' is another popular umbrella term, and the use of this term in recent years extends to housing schemes where minimal care and support is offered (such as some retirement villages).

However, given their role in providing care and support in order to maintain independence for those who have some level of care need, sheltered and extra care housing play a central role in the continuum of care in later life (Nocon and Pleace, 1999; Heywood et al., 2001, Croucher et al., 2007, Darton et al, 2008, Pannell et al, 2012). The importance attached to the role of sheltered and extra care housing in government policy has shifted throughout the latter decades of the twentieth century to the present. Promoted in the 1960s and 1970s, as providing a cheaper and more independent alternative to residential care homes, government support for specialist housing reduced in the 1990s as providing care in people's existing home became a priority under the NHS and Community Care Act 1990 (Nocon and Pleace, 1999; Heywood et al., 2001; Darton and Smith, 2017).

Although government support for specialist housing declined in the 1990s, the initial entry of the private sector during the 1980s led to an over-supply of retirement housing (Oldman, 1990; Balchin and Rhoden, 2002). In late 1980s - early 1990s, Oldman (1990) estimated that there were just over 500,000 specialist housing units in England and Wales. However, recent data indicates that the quantity of retirement housing has remained relatively static (Pannell et al., 2012; Best and Porteus, 2016). Indeed, a shortage of supply relative to demand is now widely noted, even at a government level (Select Committee on Public Services and Demographic Change, 2013) and it has even been calculated that there could be a shortfall in retirement housing of around 160,000 by 2030 and 376,000 by 2050 (International Longevity Centre, 2016).

While there are many underlying reasons that contribute to the current lack of supply of specialist housing, there exists no comprehensive critical review of the reasons behind these issues. This purpose of this paper is to begin to address this gap. Firstly, patterns of tenure and the market share for social and private sectors is outlined in order to provide a portrait of the market that the paper proceeds to critically review.

### **Current tenure patterns and providers**

Around three quarters of specialist housing for older people is for rent and a quarter is for sale. Pannell et al. (2012) observe this is the reverse tenure pattern seen among older people in mainstream housing. Ninety percent of specialist housing is classified as housing with support (sheltered), and 10% as housing and care (extra care). With there being 7.3 million older households, the specialist housing supply amounts to 73 units per 1,000 older households. Housing associations (59%) and local authorities (24%) mostly allocate this accommodation, with a small number held for shared ownership. The private sector offers a smaller quantity (10%), almost exclusively offered for sale on leasehold tenures. The private sector offers 'housing with support', whilst most 'housing with care' schemes are located in the social sector (Poole, 2006). Almshouses, charitable/non-profit providers and co-operatives (7%) also offer some specialist accommodation (Pannell et al., 2012).

### **Building rates and the wider policy climate**

#### ***Local authorities***

Since 2010, the total number of local authority new builds has been around 1,500 per year in England (Perry, 2014). While local authorities build relatively few homes - including specialist retirement housing - they are widely seen as being in a position to increase supply.

However, government priorities appear to have curtailed the ability of many local authorities that would be willing to engage in more substantial building programmes (Local Government Association, 2015).

Local authority debt is regarded as overall government debt. A key aim of successive governments has been debt reduction and austerity. To this end, the Localism Act 2011 set a cap on local authority borrowing levels for house building (HM Government, 2011). This cap prohibits local authorities from raising sufficient capital for building despite local authorities having an approximately 50% lower gearing ratio than housing associations

(Perry, 2014), which means that local authorities have a significantly better debt to equity ratio per dwelling on their balance sheets than housing associations.

During the 1990s and 2000s, many local authorities set up housing associations for the purpose of transferring their housing stock and to stimulate building programmes which they could not do themselves. However, it has now reached the point where local authorities build and manage few properties.

### ***Housing Associations***

Housing associations use local authority banding systems to allocate housing, although a small number of schemes take direct applications from outside of the local authority system (FirstStop, 2013, Age UK, 2016). For those who are considered a low priority for social housing, direct applications reflect an important means of seeking and accessing alternative housing (FirstStop, 2013, Age UK, 2016). However, similar to local authority housing, in recent years housing associations have developed long waiting lists (Age UK, 2016).

Considering their market share exceeds 50% (Pannell et al., 2012), housing associations should represent an important source of new specialist housing builds. Furthermore, housing associations are regarded by some as in a particularly strong position to meet need. As Best and Porteus (2016: 7) note in a report for the *All Party Parliamentary Group (APPG) on Housing and Care for Older People*, housing associations "...face reduced risks as they have the flexibility to build retirement housing for sale but to switch to renting the properties if there is a downturn in the market." However, while it may be attractive to suggest housing associations should be able to meet the need for specialist retirement housing, there are many reasons why housing associations are currently struggling to do so.

Firstly, the sector does not operate like commercial developers and this has ramifications for both how land is accessed, and the quantity and quality of that land. Secondly, in a similar way to those experienced by local authorities, recent reforms are significantly limiting housing associations' ability to maintain their original mission, presenting critical problems for the expansion of social housing - including retirement housing.

While competitively bidding for land marks the primary process through which private land developers acquire land, this is less common for housing associations. As housing associations are social providers and do not seek to make significant profits from their tenants, they also have to keep outgoings as low as possible. This has ramifications for how

housing associations operate. Housing associations obtain land by being given it by local authorities or by working in partnership with developers. Another source is to procure land cheaply from private developers that would not otherwise be acceptable for residential planning purposes - for example, via section 106 agreements (based on that section of The 1990 Town & Country Planning Act) (Monk et al., 2008).

Not having the 'financial muscle' of private developers inhibits the ability of housing associations to purchase land on the open-market. Furthermore, a partial reliance on state grants (which have been in continual decline), and being tied more widely to governmental policies and priorities, present a challenging climate for housing associations in relation to expanding their housing stock. Indeed, as Walker (2014) outlines, some housing associations are inactive and do not build.

While the current position of housing associations is not conducive to substantively expanding their stock, the policies and priorities of central government are also presenting particularly challenging circumstances for housing associations if they are to be a significant source of new build social specialist retirement housing. This is particularly so as the start-up costs of specialist retirement housing can be high (Balchin and Rhoden, 2002).

#### *Recent reform and the demise of the traditional housing association model*

The landscape for Housing Associations has changed and continues to change dramatically. Government capital grants in the 1990s made up around 75% of funding including land acquisition and development costs (Wilson et al, 2018). However, as a consequence of austerity, capital grants have been in continual decline and in recent years constitute only around 14% of funding (Cross, 2017, Haigh, 2015, Wiles, 2015). However, even with access to grants, schemes will invariably not breakeven for decades (Parr, 2015).

Access to grants is contingent on political priorities. For example, the Department of Health grants that spearheaded many extra care developments in the sector after 2000 are no longer accessible (Pannell et al., 2012), despite evidence that these forms of supported housing saves NHS resources (Croucher et al., 2007; Darton et al., 2008; Kneale, 2011; Best and Porteus, 2016).

Consequently, there has been a continual shift away from government capital grants funding to revenue-based funding and private borrowing, with all the implications that this has for housing associations' balance sheets – namely, repaying loans often at high levels of

interest (Haigh, 2015). For example, under successive New Labour governments, Housing Associations could expect to receive grants of £30-40,000 per unit (for mainstream dwellings). However, the Coalition Government between 2010 and 2015 made substantial changes. In relation to housing associations, the coalition introduced a new third tier of housing - social (at 60% market rent), 'affordable' (at 80% market rent) and market rent (100% market rent). Capital grants were also replaced with subsidies, typically around £8-12,000 per unit (Haigh, 2015, Williams & Whitehead, 2015, Housing Association Chief Executive, personal communication).

While initial grants were reduced, future income was to be secured by the guarantee of raising rents by 1% above inflation as measured by the Consumer Price Index. With fewer grants, many housing associations needed to borrow against future income, and subsequently this triggered a rise in building 'affordable' housing (with 80% rent levels, as opposed to 60%). These circumstances underpinned many housing association long term funding models, business plans and strategies. This is predicted to equate to a 12% loss in predicted income for housing associations, with one national leading association forecasting a reduction in income of £34m between 2016 and 2020 (Stonewater, 2016).

Alongside this, it was announced by DCLG (2016) that social landlords were not permitted to increase rents by CPI+1%, but instead were to reduce their rent by 1% annually for the subsequent 4 years (Wilson, 2016b). With fewer grants, and private finance tending to have been secured against future rental income, reducing rather than increasing rents the ability of housing associations to raise capital for new building programmes is reduced (Haigh, 2015; Darton and Smith, 2017).

Some housing associations have also merged in order to become lower risk to their investors and also to pool resources (Haigh, 2015). Yet, mergers are not always positive solutions, with a merger between two major housing associations failing to complete because of disagreements over future mergers (Brown, 2016).

Current grant levels and the challenges to current funding means that interest on private capital rapidly brings housing associations to their debt ceiling. Some of the more radical suggestions to address this problem have suggested that housing associations should continue to diversify and increase the amount of homes they sell or rent at market rates, thereby increasing revenue streams and reducing dependency on government grants and unsustainable levels of private borrowing (Walker, 2014).

Data from the National Housing Federation outlines how 18% of the 40,124 total homes built by housing associations during 2015-2016 were for market sale or rent. Although comparable data for the previous year is not available, it indicates that building nearly a fifth of their total build for market sale or rent may signify some degree of diversification. However, as others have noted, deprioritising social housing has a detrimental effect on the common identity and critically and strategically important working relationship between housing associations and local authorities (Heywood, 2015) - more so on those requiring their services. This financially challenging climate has also seen some housing associations abandon their original mission to provide affordable social housing and de-register their charitable status to become providers of private housing sold at market rates (Murtha, 2015).

Demonstrating the reach of neoliberal free market ideology, it has been suggested that building 'affordable' units is a critical problem. Doing so reduces the return on investment, reduces profitability and in some cases reduces the likelihood of accessing capital from lenders to even build in the first place. On this basis, Ball (2011) argues that in effect 'affordable' housing becomes a levy that is a barrier toward adequate supply. Lifting the need to build 'affordable', in theory, would lead to an increase in building rates and would drive down price as normative market practices incentives would be restored.

### *Welfare reform*

Continuing austerity measures, welfare reform, and particularly housing benefit reform, also present additional uncertainties to tenants' income, and, concomitantly, housing association revenue streams, maintaining existing provision and their abilities to build (Mendoza, 2015). Suggested reforms outline that housing costs (i.e. rent and service charges), previously paid for by Housing Benefit, will be paid under Universal Credit, but only up to one bedroom on the Local Housing Allowance (LHA) rate only. The LHA rate is linked to the private rental market, and capped at the 30<sup>th</sup> percentile and is subject to significant regional variation which are estimated to be greater than the variation of housing costs in supported housing (Homeless Link and Supported Housing Alliance, 2017). The National Housing Federation (2016) projects that this would mean, on average, tenants (including sheltered and extra care tenants) will have £68 a week less to pay for care, support staff and service charges, and this would make many current and prospective schemes financially unviable. Indeed, some housing associations have shelved plans to build specialist housing (Buchanan, 2016; Darton and Smith, 2017).

In existing schemes, a key concern is whether reductions and/or uncertainties in income for both residents and providers will provide adequate resources to maintain services. It is noted, however, that there has been a continual decline in services and particularly support staff in recent years (King et al., 2009). Evidence suggests that reductions in support staff is likely to have a detrimental impact on the community cohesion of developments (Gray, 2014) and loneliness and isolation of residents (Gray, 2017; Gray & Worlledge, 2018) – or many of the characteristics that draws older people to specialist housing.

Housing benefit reform is therefore another factor that is contributing to wider uncertainty within the sector and especially to those seeking specialist accommodation. The unforeseen consequences of policy reform, and pervasive neoliberal market ideology, have created a complex uncertain situation for older people seeking specialist housing and those who currently reside within the sector.

Given the substantive issues the social sector has faced in recent years, for many the private sector constitutes an important option. Yet, the private market for specialist housing in later life also has substantial supply side issues - particularly around transparency and trust and limited reach because of people's differential incomes.

### ***Private sector***

Some suggest that what is estimated to only be around 25,000 bed spaces, or approximately 10% of the market (Pannell et al., 2012), is an indication that the private market has yet to 'take off' (Parr, 2015). A relatively small number of private firms operate in this market place (for example, McCarthy & Stone and Churchill), and many providers of mainstream housing have not yet entered the specialist housing market, mainly because of cost. Private developers tend to target people with lower levels of physical and health needs, primarily because less capital investment is needed. Therefore, there has been a tendency for private developments not to have on-site services, though some private providers in recent years have marketed extra care schemes. However, many private developments require services and facilities that more central and expensive locations offer. This has an implication for the price of land, and indeed many private providers compete with more mainstream developers (Parr, 2015).

High initial capital outlay also has implications for the intensive and often undesirable models that private organisations promote. However, as wider evidence suggests, the leasehold tenures offered by the private sector often tend to be undesirable, unresponsive and even untrustworthy (Hodgkinson, 2015). As the following sections highlight there is a great deal of evidence to suggest that these concerns have wider foundations.

### *Leasehold and fees*

Specialist accommodation available from private providers tends to be offered on a leasehold tenure, which are associated with apartment style accommodation (in England and Wales) where there are shared common areas (such as entrance ways, hallways and stairs), physical structures of the building (walls, roofing and floors) and sometimes facilities (such as laundry rooms and gardens). In properties such as these, the behaviours of residents can have a direct impact on the other residents' safety, physical and social wellbeing. Consequently, arrangements have developed to address the respective collective rights and responsibilities of owners and management moving into an instrumental management or processing of people (Cole and Robinson, 2000).

While the freeholder owns the plot, leaseholders purchase temporary rights of occupation that usually last for long periods of time. In relation to any communal areas, facilities and physical structures, which are owned by the freeholder, the freeholder usually levies a service charge for maintenance purposes at his discretion. This can mean that leaseholders have little voice or control over the management and maintenance of properties, but are nevertheless liable to reimburse outgoings. In short, residents are technically owners but can experience the relative powerlessness and rights of being a tenant. Cole and Robinson (2000), reflect the dichotomy of ownership on the one hand but with monthly rents payable to a freeholder on the other (or appointed management agent), describing leaseholders as 'owners yet tenants'.

In specialist retirement housing, this situation tends to be exacerbated to the further detriment of leaseholders and the financial gain of freeholders. Freeholders, particularly those in the private sector have also tended to charge what are collectively known as 'event fees'. These are the fees that companies who own and manage retirement properties, i.e. the freeholder, include in clauses of lease agreements. For example, clauses often require owners to pay a fee, up to 30% of the resale value, if the owners wish to sell or sublet their home. Other examples of 'events' where fees are levied are if a relative or partner moves in, a spouse dies a property is inherited or even a change in occupation (Wilson, 2016a).

### *Legal investigations around fairness of fees*

Older people entering the private retirement housing market commonly tie up equity. Many older households have paid off any mortgage and, on this basis, experience a relatively low cost of living in relation to their outgoings. Yet, in contrast, there is significant variation in on-going costs of living in retirement housing. Examples of on-going costs include maintenance, management and leasehold fees, with such costs compounded by those negatively impacted on by changes of housing benefit (Age UK, 2012, Pannell and Blood, 2012, National Housing Federation, 2016). In many cases, the extent and nature of these costs will be new, sometimes perceived as hidden, and certainly unwelcomed (Age UK, 2012, Hodgkinson, 2015).

Concerns have been raised about the transparency of costs and clauses in leasehold contracts, including questions of their legality in relation to the Unfair Terms in Consumer Contracts Regulations 1999 (Wilson, 2016a). The Office of Fair Trading investigated between 2009 and 2013 and recommended legislative change. Their report concluded that "...legislative reform be considered by expanding the remit of the Leasehold Valuation Tribunal to allow the tribunal to rule on the reasonableness of all transfer fees." (Office of Fair Trading, 2013: 63)

While the Office of Fair Trading did not mount a legal challenge based on their recommendations, they did reach an agreement with large providers - such as McCarthy & Stone - to drop some of these fees and replace them with flat fees and agree other changes, thus "...mitigating what we consider to be their inherent unfairness" (Office of Fair Trading, 2013, pp. 57). However, the report did produce some guidelines. Among the recommendations to increase transparency were limiting any fees to actual final sales values and not using the open-market as the basis for calculating fees (Office of Fair Trading, 2013). The recommendations suggest that the nature of leasehold tends to commodify not only housing stock but also those who use it and therefore acts to instrumentalise housing supply in favour of the profit motive and the focus on the person and her or his needs and voice is largely ignored.

### *Low transparency and trust limiting growth of the sector*

Issues of this nature and the poor reputation of management firms who operate in the leasehold market have even led to some companies rebranding in attempts to dissociate themselves with their previous histories. However, others suggest the role of fees, which

have undoubtedly led to feelings of distrust by many, are not the central problem (Hodgkinson, 2015).

In a market-driven system, fees constitute important revenue streams for new builds, and this is seen as particularly important for a market where there is chronic shortage of supply with high start-up costs (Select Committee on Public Services and Demographic Change, 2013). In effect, it is the marketised system that constitutes the problem. However, a further critical problem is that there is a lack of transparency regarding the levying of fees - particularly exit fees – alongside the neoliberal market system itself. These fees tend to be perceived as unwelcome and have a negative impact on the ability of people to manage their finances. A market-oriented solution has been proposed that an exit fee is built into the price an individual pays at the start rather than exiting the property:

"...the option for purchasers to pay these fees upfront, rather than upon the sale or reassignment of the property, would not reduce an income stream for the developers but it would give another option to potential leaseholders who want to have greater control over their finances." (Hillier, 2016)

However, the Law Commission, following up on the Office for Fair Trading investigation (mentioned above), did not recommend upfront payments in order to aid transparency. Rather, it recommend providing more transparent information around the nature and disclosure of fees and to limit them to periods around sale, sub-letting or change of occupancy (The Law Commission, 2017).

Fairer and less opaque practices in this area reflect the wider desire and need for more transparency in the whole sector (Age UK, 2012). Indeed, such is the extent of the sector's poor reputation, it is seen as a factor in limiting its growth. Implicit in this proposition is that transparency and more transparent market practices will lead to increases in consumer confidence, and ultimately trust (Hillier, 2016, Galvin, 2016). The underlying market-driven approach is not, however, criticized or challenged. Future debate is needed in this area.

#### *Reform and moves toward 'commonhold'*

Another cause of dispute in relation to leasehold is owners' lack of control over communal charges and their precariousness (Standing, 2011). These charges refer to the on-going costs of maintenance and general upkeep of properties, including the provision of support staff. Similar to poor transparency around 'event fees', many freeholders of specialist older

people's housing use companies in which they have a financial interest, and use them to elicit more money from the leaseholders (Hodgkinson, 2015). Such exploitative practices in relation to leasehold are not new, of course, and historically there have been strong criticisms of leasehold and many unsuccessful attempts at enfranchisement reform dating back to the 1880s. In recent decades in the UK there have been some attempt to move towards collective enfranchisement – or reforms akin to legislation in the USA and France where statutory systems safeguard the individual interest of owners (leaseholders), where co-operative and common management schemes have a statutory footing (Cole and Robinson, 2000).

The Leasehold Reform, Housing and Urban Development Act 1993 made provision for leaseholders to exercise the right to purchase the freehold, subject to agreement of all participating tenants. However, the changes made to the Bill through its parliamentary journey were heavily influenced by the interests of existing capital and landowners (i.e. freeholders) and costs of collective enfranchisement were raised – in effect making the pursuit of collective enfranchisement unlikely and subsequently rarely exercised (Cole and Robinson, 2000).

As an alternative to purchasing the freehold, since 2002 leaseholders do have the option of effectively taking over the 'right to manage'. If more than 50% of leaseholders in a development agree they can, under The Commonhold and Leasehold Reform Act 2002, create a company whose members can make their own decisions about management, upkeep of properties, insurance, repairs and service charges (DCLG, 2005). The legislation introduced a new type of legal estate known as 'commonhold'.

While currently only a small number of properties have them, commonhold tenures have been suggested as a desirable alternative to leasehold in the retirement housing sector (Age UK, 2012) and there has even been some debate in Parliament whether to outlaw leasehold and substitute it with commonhold (Fitzpatrick and Blackman-Woods, 2015). However, while no data exists to our knowledge on the uptake of commonhold or the 'right to manage' in specialist housing, whether this is realistic or even desirable for older people (some of whom may have health or care needs) is questionable.

With leasehold still featuring many of its feudal characteristics, questions asked by Cole and Robinson (2000: 611) nearly two decades ago remain largely unanswered: "It remains to be seen whether the distribution of rights and responsibilities in the leasehold sector can be

reformed, to be more closely aligned with common practice for flat ownership and management...”

### **Unresolved tensions**

There is a critical conflict between the key social purpose of specialist housing (i.e. living independent of socially provided care) and the values that underpin provision and ultimately limit the quantity of units in both the social and private sector.

In the social sector, which accounts for around three-quarters of specialist housing, government priorities currently act as significant barriers to the building of new housing stock. On the other hand, the private sector has reduced the individual older person to a commodified actor who is attracted for economic purposes and not served according to needs. The insecure and uncertain aspects of the individual's financial state, entitlement to benefits and vulnerability to a precarious future drives a further wedge into a system that preys upon such insecurities for its core driver, whether that be balancing the books, value-for-money or profit.

### **Conclusion**

As this supply-side review has presented, the specialist housing market has an array of issues that does not support its central purpose to allow older people to remain independent. The structural and philosophical approach to housing provision remains embedded within a market-driven culture that puts business above individual need.

Increases in supply along with more transparent, fairer and responsive market practices would, in theory, lead to increases in engagement, confidence, trust and ultimately growth. Doing so will require substantial levels of economic and, importantly, political and social capital beyond existing resource levels. Yet, it is not as straightforward as suggesting more quantity will lead to a market that is more accessible. Schemes need to reflect what existing evidence suggest residents' desire – independence, security, peace of mind, continuity of support/care, neighbourly and social atmospheres, transparent contracts and not having to take responsibility for repairs and maintenance (Callaghan, 2008; Croucher et al., 2006; National Housing Federation, 2010).

While this article has focused on the supply side dynamics of the specialist housing market, it will be followed up with research documenting the demand-side - older people's

experiences of engaging with this market - in the form of a realist evaluation of a housing options service for older people considering specialist housing (authors et al., 2018).

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