

Another Brick in the Wall: The Student Housing Crisis in the UK and the ICESCR

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The financialisation of housing has been extensively critiqued by human rights proponents. One of the latest asset classes created by financialisation is student accommodation, reflective of the growing perception of students as a profitable consumer market. This article undertakes a human rights-based policy assessment of students' enjoyment of the right to adequate housing as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights, with a focus on the interrelated elements of availability and affordability. The article utilises the UK as its principal case study to illustrate some of the broad challenges to students' right to housing in a high-income country, in recognition that students in other nations are likely to encounter specific issues which may concern other elements of the right. It demonstrates that threats to the availability and affordability of student accommodation in the UK are rooted in the national housing crisis, which in turn impedes the enjoyment of students' rights to food, education and health. The article concludes that action is required by national governments, universities, investors, landlords and the international human rights regime to address the global student housing crisis in university locations worldwide.

Keywords: higher education, studentification, UK, purpose-built student accommodation, affordability, availability

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1. INTRODUCTION

The financialisation of housing, referring to ‘structural changes in housing and financial markets and global investment whereby housing is treated as a commodity or asset’¹ has been subject to extensive critique from proponents of human rights.² As summarised by the Special Rapporteur on the right to adequate housing, Balakrishnan Rajagopal, this process has ‘transformed housing from a fundamental social necessity into an investment tool, stripping it of its intrinsic function to provide secure and dignified living spaces’.³ Across the globe, financialisation has had a markedly adverse impact on tenants, who are frequently economically, culturally, socially and legally disadvantaged.⁴ One of the newest ‘asset classes’ created by financialisation is student accommodation.⁵ The commodification of student accommodation contributes to the broader phenomenon of studentification, defined as ‘the movement of large numbers of transitory students into well-established residential areas in university towns or cities, displacing local residence...resulting in social, economic, physical and cultural changes’.⁶ Worldwide, students are being identified as a profitable consumer market, particularly within the housing sector.⁷ In recent years, the exploitation of students has been compounded by the global rise in the cost of living, in which sizeable increases in rent

¹ Leilani Farha, Sara Freeman and Manuel Gabarre de Sus, ‘The Shift Directives: From Financialized to Human Rights-Based Housing’ (2022) 6 <<https://make-the-shift.org/wp-content/uploads/2022/12/Directives-Updated-Dec-9.pdf>> accessed 17 December 2024.

² Mary Pattillo, ‘Housing: Commodity versus Right’ (2013) 39 *Annual Review of Sociology* 509; Special Rapporteur on the right to adequate housing, ‘Financialization of housing’ (18 January 2017) UN Doc A/HRC/34/51; Ingrid Leijten and Kaisa de Bel, ‘Facing financialization in the housing sector: A human right to adequate housing for all’ (2020) 38 *NQHR* 94; Special Rapporteur on the right to adequate housing, ‘A place to live in dignity for all: making housing affordable’ (15 August 2023) UN Doc A/78/192 3-4.

³ Special Rapporteur on the right to adequate housing, ‘A place to live in dignity’ (n 2).

⁴ Peter Dreier, ‘The Status of Tenants in the United States’ (2014) 30(2) *Social Problems* 179; John I Gilderbloom and Richard P. Appelbaum, ‘Towards a Sociology of Rent: Are Rental Housing Markets Competitive?’ (1987) 34(3) *Social Problems* 261; Pattillo (n 2).

⁵ Farha, Freeman and Gabarre de Sus (n 1) 4. An asset class refers to investments grouped together by virtue of their shared financial characteristics and similar behaviour in the marketplace.

⁶ Christopher Wilkinson and Paul Greenhalgh, ‘Exploring Student Housing Demand, Supply Side and Planning Policy Responses in a Small University City: Studentification in Durham, UK’ (2022) *Housing Policy Debate* <<https://www.tandfonline.com/doi/full/10.1080/10511482.2022.2137379>> accessed 17 December 2024.

⁷ Wilkinson and Greenhalgh (n 6); Alice Reynolds, ‘Geographies of purpose built student accommodation: Exclusivity, precarity and (im)mobility’ (2020) 14(11) *Geography Compass* 14 <<https://compass.onlinelibrary.wiley.com/doi/full/10.1111/gec3.12543>> accessed 17 December 2024; Leilani Farha, ‘Student housing used to be affordable. Why has it become an ‘asset class’ to enrich the already wealthy?’ *The Guardian* (London, 30 August 2023) <<https://www.theguardian.com/commentisfree/2023/aug/30/student-accommodation-university-housing-crisis>> accessed 17 December 2024.

have enlarged existing socioeconomic inequalities.⁸ Whilst the ‘neoliberalisation’ of student accommodation has received moderate attention within scholarship⁹ and by traditional media,¹⁰ an extensive analysis of this global trend from a human rights lens has yet to be undertaken.¹¹

This article seeks to narrow the aforementioned gap in the literature through a human rights-based policy assessment of policies which determine students’ enjoyment of the right to adequate housing - as enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) -¹² in a high-income country. Whilst the financialisation of housing is not limited to affluent states,¹³ such countries remain the most popular study destinations for international students and, hence, are an appropriate subject for a study of the commodification of the student experience.¹⁴ The article will use the UK as its primary case study for three key reasons. First, departing home to live on the university campus or in the locality is a defining characteristic of the university experience in the UK.¹⁵ Second, the UK Government plays no direct role in the provision of higher education residential accommodation, meaning that a student’s access to adequate housing is largely determined by

⁸ Special Rapporteur on the right to adequate housing, ‘Twenty years of promoting and protecting the right to adequate housing: taking stock and moving forward’ (12 July 2021) UN Doc A/HRC/47/43 18.

⁹ Reynolds, ‘Geographies of purpose built student accommodation’ (n 7) 9; Constance Uyttebrouck, Ellen van Bueren and Jacques Teller, ‘Shared housing for students and young professionals: evolution of a market in need of regulation’ (2020) 35 *Journal of Housing and the Built Environment* 1017; Wilkinson and Greenhalgh (n 6); Alice Reynolds, ‘Contesting the financialization of student accommodation: campaigns for the right to housing in Dublin, Ireland’ (2024) 39(6) *Housing Studies* 1495

¹⁰ BBC, ‘Durham University students queue overnight to secure accommodation’ (*BBC News*, 27 October 2022) <<https://www.bbc.co.uk/news/uk-england-tyne-63391102>> accessed 17 December 2024; Mollie Malone, ‘Existential housing crisis at UK universities leaving students struggling, says NUS’ (*Sky News*, 23 December 2023) <<https://news.sky.com/story/existential-housing-crisis-at-uk-universities-leaving-students-struggling-13035841>> accessed 17 December 2024; Emma Grimshaw, ‘Students paying hundreds for ‘mouldy’ flats’ (*BBC News*, 23 May 2024) <<https://www.bbc.co.uk/news/articles/cg300ld3wyo>> accessed 17 December 2024.

¹¹ The term studentification emerges from the disciplines of geography, real estate, planning and sociology. Studies frequently concentrate on individual university locations: see, for example, Reynolds, ‘Contesting the financialization’ (n 9) and Wilkinson and Greenhalgh (n 6).

¹² (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR). Detailed obligations pertaining to the right to housing have emerged from the European Social Charter (revised) (adopted 3 May 1996, entered into force 1 July 1999) ETS 163, see: Urfan Khaliq and Robin Churchill, ‘The European Committee of Social Rights: Putting Flesh on the Bare Bones of the European Social Charter’ in Malcolm Langford (eds), *Social rights jurisprudence: Emerging trends in international and comparative law* (CUP 2009) 447-451. However, the UK has not ratified the charter in its revised form. Further, the article draws some similarities to the status of students’ right to housing in states outside of Europe. Thus, the ICESCR is the standard chosen for this assessment.

¹³ Farha, Freeman and Gabarre de Sus (n 1) 7.

¹⁴ ‘International student mobility (indicator)’ (*OECD Data*, 2024) <<https://data.oecd.org/students/international-student-mobility.htm>> accessed 17 December 2024.

¹⁵ That being said, university students, particularly those from families facing financial challenges, are increasingly living at home: Xin Shao, ‘The Class of 2023: Opportunities and University Plans’ (COSMO, 10 August 2023) <<https://cosmostudy.uk/publications/the-class-of-2023-opportunities-and-university-plans>> accessed 17 December 2024.

market forces.¹⁶ Third, in 2019, the UK was the second largest global purpose-built student accommodation market after North America.¹⁷ These factors render the UK a representative case study of some of the general challenges to students' right to housing in high-income countries, which underscores the article's broader relevance beyond the UK context. As the article will highlight, similar trends have been observed in other high-income nations such as Canada, Ireland, Italy and the US. Nevertheless, it is recognised that this case study is unable to capture specific issues faced in other countries which may concern other elements of the right.¹⁸ The study will focus on the experiences of students from 2019 onwards, including the extreme strains placed on the right to adequate housing amidst the ongoing cost-of-living crisis. Discussion of students will be confined to those pursuing a university degree or equivalent higher education studies.

The article will first provide a brief overview of the right to adequate housing as protected under Article 11 of the ICESCR. It will focus on two interrelated elements of the right articulated in General Comment No. 4 of the Committee on Economic, Social and Cultural Rights (CESCR or the Committee) which are particularly pertinent to the context of student accommodation, namely availability and affordability.¹⁹ The article will then assess the main areas of policy which govern the status of student accommodation in the UK – student finance, the removal of student caps and the lack of regulation of the (student) housing sector - against these two components to determine the extent to the latter are being realised. It will highlight that whilst the rise in students enrolled in UK universities has propelled investment into the student housing sector, including the rapid growth of purpose-built student accommodation, demand continues to exceed supply in many university locations. As a result, student accommodation in the UK has reached a crisis point in which there is an oversaturation of luxury developments.²⁰ The article will demonstrate that threats to the availability and affordability of student accommodation in the UK are rooted in the national housing crisis,

¹⁶ Sue Hubble and Paul Bolton, 'Student accommodation FAQs' (Briefing Paper No 8721, House of Commons Library, 2 March 2020) 15 <<https://researchbriefings.files.parliament.uk/documents/CBP-8721/CBP-8721.pdf>> accessed 17 December 2024.

¹⁷ Knight Frank, 'Global Student Property 2019: A Global Perspective on Student Property and Investment' (Knight Frank 2019) 12 <<https://content.knightfrank.com/research/1775/documents/en/global-student-property-report-2019-may-2019-6426.pdf>> accessed 17 December 2024.

¹⁸ Jason Seawright and John Gerring, 'Case Selection Techniques in Case Study Research: A Menu of Qualitative and Quantitative Options' (2008) 61(2) *Pol Res Q* 294, 299.

¹⁹ CESCR, 'General Comment No. 4: The Right to Adequate Housing (Art. 11 of the Covenant)' (13 December 1991) UN Doc E/1992/23 3-4.

²⁰ Jim Dickinson, 'Who broke the student housing market?' (*Wonkhe*, 26 October 2023) <<https://wonkhe.com/blogs/who-broke-the-student-housing-market/>> accessed 17 December 2024.

which in turn impedes the enjoyment of students' rights to food, education and health. It will highlight evidence of similar student experiences internationally to suggest that these broad trends are present across a number of high-income countries. The article will conclude that action is required by national governments, universities, investors, landlords and the international human rights regime to address the global student housing crisis in university locations worldwide.

2. THE RIGHT TO ADEQUATE HOUSING AND STUDENTS

Originating in the Universal Declaration of Human Rights,²¹ the right to adequate housing is one of several elements of the right to an adequate standard of living protected within Article 11 of the ICESCR and thus is binding on state parties who have ratified the Convention, including the UK. The CESCR has attempted to elucidate the meaning of adequacy in its General Comments, which, whilst non-binding, have played a central role in establishing the right's normative content.²² Firstly, the Committee has clarified that the right 'should not be interpreted in a narrow or restrictive sense', including the perception of shelter as *solely* a commodity.²³ Notably, the Committee does not reject the commodification of housing in its entirety, which, as the article will later examine, has cast doubt over the ability of the right to challenge neoliberalism and the inequality it perpetuates. Further, the Committee have stated that '[w]hile adequacy is to be determined in part by social, economic, cultural, climatic, ecological and other factors', there are nevertheless a series of elements of the right relevant to all contexts.²⁴ Such aspects include the following: availability; accessibility; affordability; to be in a location from which health, education and other social services are accessible; cultural adequacy; habitability; and legal security of tenure.²⁵ Whilst students in the UK currently face challenges in relation to a number of these elements of the right, this article will focus on the key components of availability and affordability of student housing to lay the foundations for subsequent studies exploring other related components.²⁶

²¹ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR) art 25.

²² Centre on Housing Rights and Eviction, *Sources 4: Legal Resources for Housing Rights: International and National Standards* (COHRE 2000) 73; Jessie Hohmann, *The Right to Housing: Law, Concepts, Possibilities* (Bloomsbury Publishing 2013) 20.

²³ CESCR, 'General Comment No. 4' (n 19) 2.

²⁴ *ibid* 3.

²⁵ *ibid* 3-4. For a comprehensive analysis and critique of all the aspects of the right to adequate housing articulated in General Comment No. 4, see: Hohmann, *The Right to Housing* (n 22) 20-29.

²⁶ For example, approximately 40% of students renting privately in England live in unsafe and unhealthy properties amounting to a category one hazard under the Housing Health and Safety Rating System, undermining

Availability refers not only to housing itself but also to all services, materials, facilities and infrastructure ‘essential for health, security, comfort and nutrition’.²⁷ This includes, for example, access to safe drinking water, means of food storage, sanitation and washing facilities, and energy for cooking, heating and lighting.²⁸ For housing to be affordable, the cost of housing must not threaten the satisfaction of other basic needs, such as nutrition.²⁹ Importantly, affordability is contextual; ‘it requires consideration of diverse household compositions, income levels and vulnerabilities’.³⁰

As with all of the rights enshrined within the ICESCR, states are instructed to progressively realise the right to adequate housing to the maximum of their available resources.³¹ Though affluent nations have attempted to rely on this provision to excuse their failure to advance the right,³² the Special Rapporteur has unequivocally stated that ‘[t]he wealthier a country gets, the less excuse it has for failure to ensure affordable housing for all’.³³ Moreover, there are several immediate duties which apply to all states, such as the obligations to monitor the right and to ensure the right is enjoyed without discrimination of any kind, including on the basis of socioeconomic status.³⁴

the habitability component of the right: Students Organising for Sustainability, ‘Homes Fit for Study: Student Experiences of Living in the Private Rented Sector’ (Students Organising for Sustainability 2023) 21 <https://cdn.prod.website-files.com/6008334066c47be740656954/64493e095286f7f2801a2673_20230308_HFFS_REPORT_2023.pdf> accessed 17 December 2024. Security of tenure is a further issue faced by student tenants in the UK, expected to be impacted by the Renters’ Rights HC Bill (2024-25) (as introduced). The anticipated effects of the Bill in its current form are mixed. While the Bill would grant all tenants (including students) the power to give two months’ notice to leave their tenancy at any stage, benefitting students withdrawing from their course or returning home after the summer exam period before their tenancy terminates, it may dissuade landlords from letting to students in favour of more reliable tenants and hence contribute to the student housing shortage. See: Martin Blakey, ‘Renters’ Rights Bill and Student Accommodation: The Final Stretch?’ (9 October 2024, HEPI) <<https://www.hepi.ac.uk/2024/10/09/renters-rights-act-and-student-accommodation-the-final-stretch/>> accessed 17 December 2024.

²⁷ CESCR, ‘General Comment No. 4’ (n 19) 3.

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ Special Rapporteur on the right to adequate housing, ‘A place to live in dignity’ (n 2) 6.

³¹ ICESCR art 2(1).

³² Craig Scott, ‘Canada’s International Human Rights Obligations and Disadvantaged Members of Society: Finally into the Spotlight?’ (1998) 10(4) Constitutional Forum 97, 105; Ed Bates, ‘The United Kingdom and the International Covenant on Economic, Social and Cultural Rights’ in Mashood Baderin and Robert McCorquodale (eds), *Economic, Social and Cultural Rights in Action* (OUP 2007) 278-280.

³³ Special Rapporteur on the right to adequate housing, ‘A place to live in dignity’ (n 2) 9.

³⁴ ICESCR art 2(2); CESCR, ‘General Comment No. 4’ (n 19) 5; CESCR, ‘General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2 of the International Covenant on Economic, Social and Cultural Rights) (2 July 2009) UN Doc E/C.12/GC/20 11.

The state's duties pertaining to the right to adequate housing have been augmented through the tripartite typology of respect, protect and fulfil. The duty to respect requires states to refrain from direct or indirect interferences with the right, such as forced evictions or the pollution of water sources.³⁵ States must also protect the right to adequate housing from interferences by third parties, which includes regulation of the rental housing market and the adoption of legislation which ensures that private actors – such as landlords, property developers and corporations - comply with human rights standards.³⁶ Lastly, states must fulfil the right by operationalising strategies for its realisation, including legislative, administrative, budgetary and judicial measures.³⁷ The obligation to fulfil includes preventative aspects,³⁸ chiefly the prevention of homelessness.³⁹ Where individuals cannot enjoy the right to adequate housing due to external factors, the state must facilitate the right through housing subsidies or similar assistance programmes.⁴⁰ Crucially, the state's obligations pertaining to the right are not suspended where housing is privatised,⁴¹ for the state remains under a duty to 'regulate, direct and engage with private market and financial actors'.⁴²

Whilst states do not owe any specific obligations to *university students* vis-à-vis the right to adequate housing in comparison to racial minorities,⁴³ women,⁴⁴ children,⁴⁵ and people with disabilities,⁴⁶ youth have been recognised as a subset of the population who are likely to find themselves without housing or 'relegated to the most marginal and unsafe places in cities, treated as non-citizens or outsiders'.⁴⁷ Young people leaving their family homes

³⁵ Office of the United Nations High Commissioner for Human Rights (OHCHR), 'The Right to Adequate Housing' (Fact Sheet No. 21, 2009) 33 <www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf> accessed 17 December 2024; Special Rapporteur on the right to adequate housing, 'Financialization of housing' (n 2) 5.

³⁶ *ibid.*

³⁷ *ibid.*

³⁸ Sigrun I. Skogly, 'Prevention is Better than a Cure: The Obligation to Prevent Human Rights Violations' (2024) 46 Hum Rts Q 330.

³⁹ OHCHR, 'The Right to Adequate Housing' (n 35) 23.

⁴⁰ *ibid.* 34.

⁴¹ Aoife Nolan, 'Privatization and Economic and Social Rights' (2018) 40(4) Hum Rts Q 815, 840; David Birchall, 'Challenging the Commodification of Housing Rights: The Case of the Right to Housing' (2021) 19 Santa Clara J Int'l 1, 18.

⁴² Special Rapporteur on the right to adequate housing, 'Financialization of housing' (n 2) 5.

⁴³ International Convention on the Elimination of All Forms of Racial Discrimination 660 UNTS 195 (adopted 21 December 1965, entered into force 4 January 1969) (ICERD) art 5(e)(iii).

⁴⁴ ICESCR, arts 2(2) and 11(1).

⁴⁵ Convention on the Rights of the Child 1577 UNTS 3 (adopted 20 November 1989, entered into force 2 September 1990) (CRC) art 27(3).

⁴⁶ Convention on the Rights of Persons with Disabilities 2515 UNTS 3 (adopted 13 December 2006, entered into force 3 May 2008) (CRPD) arts 9 and 28.

⁴⁷ Special Rapporteur on the right to adequate housing, 'Habitat III and the New Urban Agenda from the perspective of the right to adequate housing' (4 August 2015) UN Doc A/70/270 12.

frequently do not have the means to secure housing independently and thus require short- and long-term support to do so.⁴⁸ This is particularly pertinent to the UK, where in 2017, over 80% of full-time home students relocated to their university campus, city or town.⁴⁹ Whilst a degree of financial assistance from parents/carers has been identified as a ‘feature of the contemporary... Western student experience’ which may be channelled towards their university lodgings,⁵⁰ this arrangement is not possible for all families and hence illustrates the need for some form of state provision to be available.⁵¹

Additionally, the right to housing is inextricably linked to other socioeconomic guarantees, including the right to education,⁵² which contributes to the vulnerability of many university students. Education can have a ‘dual impact’ on socioeconomic inequalities; whilst access to higher education can aid social mobility,⁵³ students from lower-income households may experience poorer living standards in comparison to those from more affluent backgrounds.⁵⁴ Moreover, difficulty accessing affordable housing can place pressure on one’s physical and mental health as well as access to adequate food, the latter two issues of which are increasingly rife within the student population.⁵⁵

3. THE STATUS OF STUDENT ACCOMMODATION IN THE UK

⁴⁸ *ibid.*

⁴⁹ William Whyte, *Somewhere to live: Why British students study away from home – and why it matters* (HEPI Report 121, Higher Education Policy Institute 2019) 9.

⁵⁰ Iasonas Lamprinou, Loizos Symeou and Eleni Theodorou, “‘All we need is love (and money)’! What do higher education students want from their families?” (2019) 34(3) *Research Papers in Education* 352, 368.

⁵¹ Katherine Hill, Matt Padley and Josh Freeman, *A Minimum Income Standard for Students* (Higher Education Policy Institute 2023) 62-63.

⁵² ICESCR art 13(2)(c).

⁵³ Jack Britton, Elaine Drayton and Laura van der Erve, *Which university degrees are best for intergenerational mobility?* (Institute for Fiscal Studies 2021) <https://ifs.org.uk/sites/default/files/output_url_files/Which-university-degrees-are-best-for-intergenerational-mobility.pdf> accessed 17 December 2024.

⁵⁴ National Union of Students (NUS), ‘Student Cost of Living Report’ (NUS 2022) 15 <https://assets.nationbuilder.com/nus/pages/37/attachments/original/1666093713/Student_Cost_of_Living_-_NUS_report.pdf?1666093713#:~:text=The%20NUS%20Cost%20of%20Living,top%20of%20their%20student%20loans.> accessed 17 December 2024.

⁵⁵ Meghan R. Silva and others, ‘The Relationship Between Food Security, Housing Stability, and School Performance Among College Students in an Urban University’ (2017) 19(3) *J of College Student Retention* 284; Eilidh Cage and others, ‘Student mental health and transitions into, through and out of university: student and staff perspectives’ (2021) 25(8) *J of Further and Higher Education* 1076; Margaret Anne Defeyter and others, ‘Mental Well-Being in UK Higher Education During Covid-19: Do Students Trust Universities and Government?’ (2021) 9 *Frontiers in Public Health* <www.frontiersin.org/articles/10.3389/fpubh.2021.646916/full> accessed 17 December 2024; Joanne D Worsley, Paula Harrison and Rhiannon Corcoran, ‘The role of accommodation environments in student mental health and wellbeing’ (2021) 21 *BMC Public Health* <<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10602-5>> accessed 17 December 2024; Fiona Campbell and others, ‘Factors that influence mental health of university and college students in the UK: a systematic review’ (2022) 22 *BMC Public Health* <<https://link.springer.com/article/10.1186/s12889-022-13943-x>> accessed 17 December 2024.

3.1 PRIVATISATION

In the UK, the Government does not directly provide accommodation for university students.⁵⁶ Universities have traditionally offered student residential accommodation, though increasingly private actors - encompassing both individual landlords and companies - are investing in the sector.⁵⁷ Landlords can collect upwards of 30% more rent from a student tenant in comparison to a non-student tenant,⁵⁸ which has led to an influx of ‘small-scale investor landlords’ purchasing family homes to transform into student houses in multiple occupation (‘HMOs’).⁵⁹ In such properties, superfluous spaces such as living rooms are often converted into additional bedrooms to maximise profit margins – a practice which has also been observed in Canadian university localities, which is indicative of a trend towards studentification beyond the UK context.⁶⁰ Students’ limited experience with renting combined with the undersupply of property positions this vulnerable group as ‘fair game for exploitation’ by landlords, resulting in ‘a toxic power imbalance which leaves students with little control over their living situation’.⁶¹ University vice-chancellors have highlighted the ‘serious lack of scrutiny’ regarding the private student housing market in the UK, which has enabled ‘incredibly one-sided’ contracts between landlords and tenants.⁶² A common example is the inclusion of a joint and several liability clause, which makes housemates liable for each other’s rent in the event of a default.⁶³ The special characteristics of student accommodation necessitate its own regulatory scheme, yet instead general housing law applies, which is ‘piecemeal, incoherent and often does little to

⁵⁶ Hubble and Bolton (n 16) 22.

⁵⁷ Mark Jordan, ‘Country Report for England’ in Tom Vandromme, Nicolas Carette and Diederik Vermeir, *Students in Europe: An Overview of Policies and Regulations in Several Countries* (Eleven Publishing 2022) 91-97.

⁵⁸ Hilary Osborne, ‘Why Loughborough students get the worst deal when it comes to rent’ *The Guardian* (London, 11 February 2015) <www.theguardian.com/money/shortcuts/2015/feb/11/loughborough-students-worst-deal-rent-36-per-cent-more> accessed 17 December 2024. This can threaten access to housing for non-students by reducing the supply of property and raising the costs of buying and renting, pricing local residents out of the area: Wilkinson and Greenhalgh (n 6).

⁵⁹ Phil Hubbard, ‘Regulating the Social Impacts of Studentification: A Loughborough Case Study’ (2008) 40(2) *Environment and Planning A: Economy and Space* 323, 325.

⁶⁰ Nick Revington, ‘Post-studentification? Promises and pitfalls of a near-campus urban intensification’ (2021) 59(7) *Urban Studies* 1424, 1426.

⁶¹ NUS, ‘Housing Policy’ (NUS, 2024) <www.nus.org.uk/housing> accessed 17 December 2024.

⁶² Sean Coughlan, ‘University students ‘cheated’ by rise in unfinished housing’ (*BBC News*, 4 October 2019) <www.bbc.co.uk/news/education-49919389> accessed 17 December 2024.

⁶³ Many student tenancy contracts in the UK require a guarantor which is a further a barrier to access, particularly for international students. Some universities have introduced rent guarantor schemes in response, for example: ‘Rent Guarantor Scheme’ (*University of Edinburgh*, 29 July 2024) <<https://registryservices.ed.ac.uk/student-funding/guarantor>> accessed 17 December 2024.

protect the interests of student occupiers'.⁶⁴ Whilst the Office for Students bears a legal duty to ensure that the student experience provides value for money, it does not presently monitor student accommodation as part of its mandate.⁶⁵

The 'disproportionate power and influence' afforded to property owners has been condemned within the work of the United Nations special procedures for its subjugation of the tenant class, denying those who do not own land or property a voice in decisions affecting their access to adequate housing.⁶⁶ Yet, international human rights bodies such as the CESCR and Special Rapporteur on the right to adequate housing have largely overlooked the vulnerability of students within this context nor the actions the state must take to prevent violations for this group.⁶⁷ The orthodox construction of the state as the primary duty-bearer within international law is a further barrier to combatting the commodification of student housing given the increasing control wealthy private investors exert in this sector, resulting in state housing policies which 'pander' to global markets.⁶⁸

3.2 HIGH DEMAND, LOW SUPPLY

A significant determinant of the status of student accommodation is the amount of control the state exerts over enrolment figures, as illustrated through policy changes in England in recent years. Previously, publicly funded and alternative higher education institutions in England were subject to caps on student numbers, however, by 2015, these were removed for all university courses except medical and dental degrees.⁶⁹ Since then, universities have been incentivised to increase the number of undergraduate students enrolled, coinciding with the rise in tuition

⁶⁴ Jordan (n 57) 114.

⁶⁵ Hubble and Bolton (n 16) 22.

⁶⁶ Special Rapporteur on the right to adequate housing, 'Habitat III and the New Urban Agenda' (n 60) 12.

⁶⁷ Notably, the Special Rapporteur on the right to adequate recently expressed concern over the challenges university students in the Netherlands face securing adequate housing, see: Special Rapporteur on the right to adequate housing, 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on his visit to The Netherlands' (28 February 2024) UN Doc A/HRC/55/53/Add.1 12, 17.

⁶⁸ Special Rapporteur on the right to adequate housing, 'Financialization of housing' (n 2) 12.

⁶⁹ The Department for Education initially intended on introducing temporary student number controls for all courses offered by higher education providers for the 2020/21 academic year as part of its response to the COVID-19 pandemic, however these were later removed. The caps on medical and dental school places were temporarily lifted in 2020/2021 and 2021/2022 to accommodate the increased numbers of students meeting their university offers due to changes to A Level exam arrangements prompted by the pandemic: Joe Lewis, Paul Bolton and Siobhan Wilson, 'Higher education reforms in England: Student number controls and foundation year fee limits' (Briefing Paper No 9829, House of Commons Library, 16 August 2023) <<https://researchbriefings.files.parliament.uk/documents/CBP-9839/CBP-9839.pdf>> accessed 17 December 2024.

fees.⁷⁰ Whilst fees for home students for undergraduate courses have been capped at £9,250 per year since 2017, fees for overseas students are determined by providers.⁷¹ Thus, international students are a lucrative market for universities in England.⁷² Fees for postgraduate degrees for home and international students are also set by individual institutions and, therefore, are similarly viewed as a valuable investment for higher education providers. Indeed, seventeen university towns/cities in the UK have seen their postgraduate student numbers grow by over 300% over the past five years,⁷³ moreover, the size of the international postgraduate cohorts of Leeds Beckett and Sheffield Hallam have increased by 332% and 359% respectively since 2020.⁷⁴

As Jordan summarises, '[t]he marketization of higher education has resulted in universities becoming increasingly commercial-minded institutions', greatly impacting the availability of student accommodation.⁷⁵ The removal of student number controls for undergraduate courses in England has resulted in a redistribution of students, meaning that in some university locations, demand for student accommodation greatly exceeds supply whilst others have an excess. The unequal distribution of available beds has seen students housed in accommodation in alternative university cities where demand is lower, requiring some to commute up to 58 km each way to attend lectures.⁷⁶ Similar challenges to available and affordable student housing have been observed in other high-income countries; in Dublin, the provision of student accommodation has remained 'structurally under-supplied' despite the growing student population,⁷⁷ resulting in increased competition.⁷⁸ Likewise, a lack of available student housing has impelled California State Polytechnic University to consider the

⁷⁰ Wilkinson and Greenhalgh (n 6) 5.

⁷¹ Joe Lewis, 'Eligibility for home fee status and student support in England' (*House of Commons Library*, 4 April 2024) <<https://commonslibrary.parliament.uk/eligibility-for-home-fee-status-and-student-support-in-england/>> accessed 17 December 2024.

⁷² Stuart Tannock, *Educational Equality and International Students: Justice Across Borders?* (Palgrave Macmillan 2018) 125-152.

⁷³ Cushman & Wakefield, 'UK Student Accommodation Report' (Cushman & Wakefield 2023) 10 <www.cushmanwakefield.com/en/united-kingdom/insights/uk-student-accommodation-report> accessed 17 December 2024.

⁷⁴ Dickinson, 'Who broke the student housing market?' (n 20).

⁷⁵ Jordan (n 57) 89.

⁷⁶ 'University of York: Students housed 36 miles away in Hull' (*BBC News*, 14 September 2021) <www.bbc.co.uk/news/uk-england-york-north-yorkshire-58562201> accessed 17 December 2024. See also: 'Bristol University students housed across border in Wales' (*BBC News*, 12 September 2019) <www.bbc.co.uk/news/uk-england-bristol-49672905> accessed 17 December 2024.

⁷⁷ Knight Frank, 'Dublin Student Housing Report 2017' (Knight Frank 2017) 2 <<https://content.knightfrank.com/research/1233/documents/en/dublin-student-housing-report-2017-4554.pdf>> accessed 17 December 2024.

⁷⁸ Reynolds, 'Contesting the financialization' (n 9) 1502-1503.

unconventional solution of accommodating students in an offshore barge eight miles from its campus.⁷⁹

In general, student housing in the UK has failed to keep pace with rates of growth; the population of students requiring university accommodation in the UK has risen by 400,000 since 2019 meanwhile, the amount of available student houses has fallen by 19,000 in the same period.⁸⁰ Dundee is estimated to have a student-to-bed ratio of 3.15:1, the highest of any major university location.⁸¹ Only three cities in the UK are thought to have a student-to-bed ratio of under 2:1, namely Liverpool, Sheffield and Oxford, though, when disaggregated by university, the full-time student-to-bed ratio at Oxford Brookes stands at 2.1 in comparison to 1.3 at the University of Oxford.⁸²

The disparity between student numbers and accommodation available has prompted students to take drastic action to secure housing for the next academic year, such as in Durham, where students have camped overnight outside letting agents' premises.⁸³ Students reported missing lectures to join the queue, signifying a tension between the rights to adequate housing and to education.⁸⁴ Approximately 30% of students in the UK begin looking for accommodation for the next academic year in or before November due to a fear of a housing shortage, placing pressure on first-year students to decide who to live with almost immediately after starting their university course.⁸⁵

Modelling by Cushman & Wakefield indicates that the UK student-to-bed ratio has the potential to rise from 2.12:1 in 2021/22 to 2.24:1 in 2030/31, suggesting that students will increasingly be left without access to adequate housing in their university campus, town

⁷⁹ Michael Cabanatuan, 'A housing shortage is forcing this California university to consider putting dorm rooms on a floating barge' *San Francisco Chronicle* (San Francisco, 15 February 2023) <www.sfchronicle.com/california/article/cal-poly-humboldt-berge-student-housing-17781446.php> accessed 17 December 2024.

⁸⁰ Malone (n 10).

⁸¹ Cushman & Wakefield (n 73) 32.

⁸² Emma Taggart, 'Student beds shortage exceeds 230,000' *The Times* (London, 25 March 2024) <www.thetimes.com/uk/education/article/student-beds-shortage-exceeds-230000-qsbjwqmcl> accessed 17 December 2024.

⁸³ BBC, 'Durham University students queue overnight' (n 10).

⁸⁴ *ibid.*

⁸⁵ Laura Brown, 'National Student Accommodation Survey 2024 – Results' (*Save the Student*, 7 February 2024) <www.savethestudent.org/money/surveys/national-student-accommodation-survey-2024.html> accessed 17 December 2024.

or city.⁸⁶ That being said, many universities in England are currently experiencing a fall in student applications, partially attributed to new restrictions on overseas students bringing family to the UK,⁸⁷ which could rebalance demand and supply. Nevertheless, with 40% of England's universities expected to be in deficit in the 2023/2024 academic year,⁸⁸ it can be expected that higher education institutions will be keen to return to previous growth rates in student numbers and/or raise tuition fees where possible, both of which are likely to impede students' access to affordable housing.

The student housing crisis in the UK is inextricably linked to the national housing crisis. The combination of an absence of housing stock available for purchase, increases in the cost of living and higher interest rates have contributed to the transition from a 'homeownership society to generation rent'.⁸⁹ The influx of individuals and families seeking rental accommodation has, in turn, placed pressure on the availability and affordability of housing for student tenants, the latter of which will now be explored.

3.3 AN AFFORDABILITY CRISIS

The undersupply of student accommodation in the UK has contributed to 'a crisis point in affordability'.⁹⁰ Student rents have increased by 14.6% from the academic year 2021/22 to 2022/23 and now exhaust nearly all of the average maintenance loan available to students in England.⁹¹ Even the maximum loan available to students from families on the lowest incomes in England in 2023 left students with less than £2,500 to live on across the academic year after paying the average rent.⁹² Annual increases in the maintenance loans issued by Student Finance England are determined by inflation forecasts made years before actual inflation is known.⁹³

⁸⁶ Cushman & Wakefield (n 73) 26.

⁸⁷ Peter Foster, 'England's universities face 'closure' risk after student numbers dive' *Financial Times* (London, 15 May 2024) <www.ft.com/content/8d85daa4-fb39-4fdf-9ffe-e1599e87bce0> accessed 17 December 2024.

⁸⁸ *ibid.*

⁸⁹ Michael Byrne, 'Generation rent and the financialization of housing: a comparative exploration of the growth of the private rental sector in Ireland, the UK and Spain' (2020) 35 *Housing Studies* 743, 751.

⁹⁰ Dickinson, 'Who broke the student housing market?' (n 20).

⁹¹ Higher Education Policy Institute, 'Student accommodation costs across 10 cities in the UK' (HEPI Report 166, HEPI and Unipol 2023) 8 – 10 <www.hepi.ac.uk/wp-content/uploads/2023/10/Student-accommodation-costs-across-10-cities-in-the-UK.pdf> accessed 17 December 2024.

⁹² Dickinson, 'Who broke the student housing market?' (n 20).

⁹³ 'Higher education' (*IFS*, 2023) <<https://ifs.org.uk/education-spending/higher-education#:~:text=Several%20problems%20with,cut%20in%20support>> accessed 17 December 2024. Student maintenance loans vary across England, Wales, Scotland and Northern Ireland, see: Tom Allingham and Hannah Williams, 'Student Maintenance Loans 2024' (Save the Student, 5 August 2024) <www.savethestudent.org/student-finance/maintenance-loans.html> accessed 17 December 2024.

As the Institute for Fiscal Studies has noted, there is no mechanism to adjust maintenance loan levels in the instance of incorrect inflation forecasts, which can leave students with a real-term cut in state support.⁹⁴ The Department for Education has repeatedly declined to change how maintenance loans are determined, such as setting the minimum maintenance loan in line with average accommodation costs, citing the additional demands this would place on public spending.⁹⁵ In particular, the government has suggested that the higher taxation necessary to increase maintenance loans would be unfair to taxpayers who have not gone to university themselves.⁹⁶ Whilst an increase in maintenance loans may further inflate the cost of rent for students, the state's failure to provide an alternative solution ignores the economic precarity of many students and thus displays a superficial engagement with its responsibility under Article 11(1) of the ICESCR to facilitate the right of those unable to secure housing through their own means. It further demonstrates a disregard for the CESCR's call for a relational approach to affordability in the housing context, which appreciates variations in vulnerability and disposable income.

The UK government's argument that it is 'fully committed to helping students with their living costs attending university' has become increasingly untenable amidst the ongoing cost-of-living crisis.⁹⁷ The vast majority of students have not been eligible for several of the support packages introduced by the state to aid the most economically vulnerable households,⁹⁸ such as the means-tested £650 Cost of Living Payment and £150 Council Tax rebate for households in England in Council tax bands A-D.⁹⁹ Whilst £19.1 million was administered to universities by the state in the academic year of 2022/23 to assist students who needed additional financial support,¹⁰⁰ such awards are often governed by strict eligibility criteria,

⁹⁴ 'Higher education' (n 93).

⁹⁵ 'Increase the maintenance loan to cover the UK average university accommodation' (*Petitions: UK Government and Parliament*, 20 September 2019) <<https://petition.parliament.uk/archived/petitions/245377>> accessed 17 December 2024; 'Students: Loans' (UIN 1142, UK Parliament 9 November 2023) <<https://questions-statements.parliament.uk/written-questions/detail/2023-11-09/1142>> accessed 17 December 2024.

⁹⁶ *ibid.*

⁹⁷ 'Increase the maintenance loan' (n 95).

⁹⁸ Pensioners and people with disabilities benefitted from specific cost-of-living payments, see: 'Cost of Living Payments 2023 to 2024' (*GOV.UK*, 23 February 2024) <www.gov.uk/guidance/cost-of-living-payment> accessed 17 December 2024.

⁹⁹ Jim Dickinson, 'There's a cost of living crisis. Just not for students' (*Wonkhe*, 27 May 2022) <<https://wonkhe.com/wonk-corner/theres-a-cost-of-living-crisis-just-not-for-students/>> accessed 17 December 2024.

¹⁰⁰ JS Group, "'Shining the light on student financial support": An insight report on the distribution of cash bursaries & scholarships during the 2022/23 Academic Year' (JS Group 2023) 6 <<https://jsgroup.co.uk/Insight-Report-Sept2023.pdf>> accessed 17 December 2024.

which can exclude even those at risk of housing insecurity from benefitting.¹⁰¹ Moreover, the number of students who struggle with the cost of rent at least some of the time has increased from 45% in 2023 to 64% in 2024, further indicating that government support has remained inadequate as the cost-of-living crisis wages on.¹⁰²

At the extreme end, the affordability crisis has pushed students into homelessness. 7% of students surveyed by Save the Student in 2024 reported experiencing homelessness at some point during their studies, with many describing instances of hidden homelessness, such as sofa surfing.¹⁰³ Hidden homelessness is often obscured in official statistics,¹⁰⁴ yet this research shines a light on the vulnerability of many students nationwide. These trends can also be observed overseas; for example, in Canada, soaring rents and a lack of availability of accommodation have forced students to sleep in cars or homeless shelters.¹⁰⁵ Similarly, Erasmus students in Italy were recently left to sleep on the streets after being unable to secure housing.¹⁰⁶

Whilst the state bears considerable responsibility for the affordability crisis in student housing, the inadequacy of the international human rights regime may also be considered blameworthy. Notably, the CESCR insists that the ICESCR does not prescribe a

¹⁰¹ The Property Marketing Strategists, ‘Youth Forum: The Cost of Living’ (The Property Marketing Strategists 2023)

<<https://static1.squarespace.com/static/62013df34ab57258bcadc196/t/647f52fcc8022027d08a215/1686065926719/Youth+Forum+-+The+Impact+of+The+Cost+of+Living+-+June+2023+-+FINAL.pdf>> accessed 17 December 2024.

¹⁰² Brown, ‘National Student Accommodation Survey 2024 – Results’ (n 85).

¹⁰³ *ibid.*

¹⁰⁴ Teri Howells, Amy Davison and Sofiya Stoyanova, ““Hidden” homelessness in the UK: evidence review’ (*Office for National Statistics*, 29 March 2023)

<www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/hiddenhomelessnessintheukevidencereview/2023-03-29#:~:text=Individuals%20experiencing%20%22hidden%22%20homelessness%20tend,rough%20sleeping%20out%20of%20sight.>> accessed 17 December 2024.

¹⁰⁵ Farha, ‘Student housing used to be affordable’ (n 7). See also: Eric Weisman, Jeannette Waegemakers-Schiff and Rebecca Schiff, ‘Post-Secondary Student Homelessness (PSSH) and Canadian youth: Stigma and institutional responses to student homelessness’ (2019) 32 *Parity* 32

<<https://search.informit.org/doi/10.3316/informit.873631194762890>> accessed 17 December 2024; Luisa Sotomayor and others, ‘When students are house-poor: Urban universities, student marginality, and the hidden curriculum of student housing’ (2022) 124 *Cities*

<www.sciencedirect.com/science/article/pii/S0264275122000117> accessed 17 December 2024.

¹⁰⁶ Farha, ‘Student housing used to be affordable’ (n 7); Juan Rayón González and others, ‘International student housing: How are exchange students in Europe navigating the housing crisis?’ (European Students Union and the Erasmus Student Network 2023) 24

<https://issuu.com/esnint/docs/international_student_housing?fr=xKAE9_zU1NQ> accessed 17 December 2024.

specific political or economic ideology to be adopted by states.¹⁰⁷ The ‘political neutrality’ of the CESCR has been critiqued for compromising the international human rights regime’s ability to combat the commodification of housing, for it fails to contest the systemic causes of housing crises.¹⁰⁸ However, other scholars have demonstrated that the existing duties pertaining to socioeconomic rights can be mobilised in context to contest privatisation and commodification.¹⁰⁹ Significantly, the former Special Rapporteur attempted to shield the right to adequate housing from appropriation by capitalist projects through her dismissal of the ‘assumption, bolstered by neo-liberalism, that States should simply allow markets to work according to their own rules’, rejecting the contention that rights-based approaches to target financialisation are powerless.¹¹⁰

In the UK, students are taking drastic action to cope with the rising cost of rent, including illegally doubling up in rooms¹¹¹ and turning to ‘buy now, pay later’ financing agreements.¹¹² Taking on paid work has now become the “norm” and something which is expected by students when they start university’.¹¹³ Out of those who have a job alongside their studies, over 40% work at least 20 hours a week – ¹¹⁴ contrary to guidance issued by higher education institutions.¹¹⁵ Universities have been critiqued for their out-of-touch policies on this matter, most notably the University of Oxford which only permits undergraduate students to undertake part-time work under exceptional circumstances following a consultation with their

¹⁰⁷ CESCR, ‘General Comment No. 3: The Nature of States Parties’ Obligations (Art.2, Para. 1, of the Covenant) (14 December 1990) UN Doc E/1991/23 3.

¹⁰⁸ Joe Wills and Ben T. C. Warwick, ‘Contesting Austerity: The Potential and Pitfalls of Socioeconomic Rights Discourse’ (2016) 23(2) *Ind J Global Legal Stud* 629, 661. See also: Matthew Craven, ‘Some Thoughts on the Emergent Right to Water’ in Eide Riedel and Peter Rothen (eds), *The Human Right to Water* (Berlin Wissenschafts 2006) 45-46.

¹⁰⁹ Malcolm Langford, ‘Privatisation and the Right to Water: Discourse, Empirics and Legal Mobilisation’ in Malcolm Langford and Anna F S Russell (eds), *The Human Right to Water: Theory, Practice and Prospects* (Cambridge 2014); Emanuele Lobina, Vera Wegmann and Marwa Marwa, ‘Water Justice Will Not Be Televised: Moral Advocacy and the Struggle for Transformative Remunicipalisation in Jakarta’ (2019) 12 *Water Alternatives* 725.

¹¹⁰ Special Rapporteur on the right to adequate housing, ‘Financialization of housing’ (n 2) 5.

¹¹¹ Dickinson, ‘Who broke the student housing market?’ (n 20).

¹¹² NUS, ‘Student Cost of Living Report’ (n 54) 13.

¹¹³ The Property Marketing Strategists, ‘Student Attitudes to Earning Money’ (Youth Forum Report No. 9, The Property Marketing Strategists 2024) 3 <https://static1.squarespace.com/static/62013df34ab57258bcadc196/t/66263219fc49c12b6a114028/1713779225566/TPMS2403_Youth_forum_report_AWD.pdf> accessed 17 December 2024.

¹¹⁴ The Property Marketing Strategists, ‘Youth Forum: The Cost of Living’ (n 101) 2.

¹¹⁵ For example, the University of Edinburgh recommends that full-time undergraduate students do not exceed 15 hours of paid work a week: ‘Working hours, and your rights to work’ (*The University of Edinburgh*, 14 May 2024) <<https://careers.ed.ac.uk/students/undergraduates/discover-what-s-out-there/find-jobs-while-student/working-hours-rights-at-work>> accessed 17 December 2024.

college tutors.¹¹⁶ In some instances, students are working full time to pay their rent and hence are missing the bulk of their university contact hours, evidencing that access to housing has come at a cost to their education.¹¹⁷ This is reaffirmed by the National Student Accommodation Survey 2024, which found that 3% of respondents had dropped out of university due to the cost of rent, moreover, a further 40% had considered doing so.¹¹⁸ These findings suggest that policies governing access to student housing in the UK are not in conformity in principle with Article 13(2)(c) ICESCR concerning equal access to higher education. That being said, it could be argued that students may still have access to another institution with more affordable housing available or be able to live at home and commute to a local institution. Yet, this downplays the whole host of educational and extracurricular activities students may miss out on by virtue of their financial disadvantage.¹¹⁹

For many, the right to adequate housing is also in conflict with their right to adequate food, with students in the UK describing the ‘constant battle of should I pay my rent or can I do my food shop?’.¹²⁰ The cost of housing has threatened the satisfaction of students’ nutritional needs and thus does not appear to adhere to the CESCR’s definition of affordability in General Comment No. 4. Similar reports of food and housing insecurity impacting the learning of undergraduate students in the US and Canada suggest that tensions between these three socioeconomic rights among university populations are prominent across high-income countries.¹²¹

3.4 PURPOSE-BUILT STUDENT ACCOMMODATION

One of the most significant changes to the student housing market in recent years is the rise of purpose-built student accommodation (‘PBSA’), which seeks to offer residents not only

¹¹⁶ ‘Skills and work experience’ (*University of Oxford*) <www.ox.ac.uk/students/life/experience> accessed 17 December 2024; Bethan Draycott, ‘Oxford University and the alienation of working students’ (*Cherwell*, 27 November 2021) <www.cherwell.org/2021/11/27/oxford-university-and-the-alienation-of-working-students/> accessed 17 December 2024.

¹¹⁷ Brown, ‘National Student Accommodation Survey 2024 – Results’ (n 85).

¹¹⁸ *ibid.*

¹¹⁹ Shao (n 15).

¹²⁰ Brown, ‘National Student Accommodation Survey 2024 – Results’ (n 85).

¹²¹ Lesley Frank, ‘“Hungry for an Education”: Prevalence and Outcomes of Food Insecurity Among Students at a Primarily Undergraduate University in Rural Nova Scotia’ (2018) 48 *Canadian J of Higher Education* 109; Katharine M. Broton and Sara Goldrick-Rab, ‘Going Without: An Exploration of Food and Housing Insecurity Among Undergraduates’ (2018) 47(2) *Educational Researcher* 121; Melissa D. Olfert and others, ‘Struggling with the basics: food and housing insecurity among college students across twenty-two colleges and universities’ (2023) 71(8) *J of American College Health* 2518.

somewhere to live but the full ‘student experience’.¹²² PBSA can be either publicly or privately owned and typically takes the form of either halls of residences - consisting of individual bedrooms with shared living and social spaces - or fully-equipped studios or flats.¹²³ A notable feature of most PBSA is the presence of leisure facilities such as gyms, fitness centres, swimming pools and games areas, in addition to separate locations to study in.¹²⁴ The PBSA market is predicated on the belief that students now have a ‘more demanding vision’ of university residence in comparison to previous generations,¹²⁵ specifically the ‘expectation of accommodation on par with a hotel, as opposed to hostels’.¹²⁶ Providers assume that students, or their parents, are prepared to pay more for such accommodation,¹²⁷ boasting a higher quality in comparison to the ‘shoddy’ private housing, which previously typified university living in the UK.¹²⁸ In Britain, PBSAs are often populated by first-year, international and postgraduate students, perceived as a convenient option for those seeking a smooth transition to university life in the UK and/or a quiet place to study who have the additional money to spend.¹²⁹ However, amidst the rising cost of living, the fixed cost model of PBSAs is now often viewed as an economical option, thereby attracting a wider student consumer base.¹³⁰

PBSA has proven itself to be a resilient sector amidst an ever-changing economic and political climate and, hence, continues to attract substantial investments. Despite overall real estate investment in the UK falling by 14.2% in 2022, the UK’s PBSA reported a record-breaking £7.8 billion of stock – increasing by 89% in a single year.¹³¹ The UK’s PBSA market was estimated to be worth £85.8 billion as of 2023 and is projected to exceed £100

¹²² Mark Holton and Mark Riley, ‘Student Geographies: Exploring the Diverse Geographies of Students and Higher Education’ (2013) 7(1) *Geography Compass* 61, 63.

¹²³ Reynolds, ‘Geographies of purpose built student accommodation’ (n 7) 2.

¹²⁴ Darren P. Smith and Phil Hubbard, ‘The segregation of educated youth and dynamic geographies of studentification’ (2014) 46(1) *Area* 92, 95; Reynolds, ‘Geographies of purpose built student accommodation’ (n 7) 8.

¹²⁵ Octopus Real Estate, ‘Student accommodation impact report: How students’ priorities can become developer opportunities’ (Octopus Real Estate 2019) 4.

¹²⁶ *ibid* 9.

¹²⁷ *ibid*.

¹²⁸ Darren P. Smith and Louise Holt, ‘Studentification and ‘apprentice’ gentrifiers within Britain’s provincial towns and cities: Extending the meaning of gentrification’ (2007) 39 *Environment and Planning A* 142, 152.

¹²⁹ Huw Forrest and others, ‘UK Student Housing Report’ (JLL 2019) 12 <www.jll.co.uk/content/dam/jll-com/documents/pdf/research/jll-uk-research-student-housing-report-2019.pdf> accessed 17 December 2024; Octopus Real Estate (n 125) 11-12.

¹³⁰ Katie O’Neill and others, ‘Student Property Report 2023’ (Knight Frank 2023) 2 <<https://content.knightfrank.com/research/169/documents/en/uk-student-housing-2023-9846.pdf>> accessed 17 December 2024.

¹³¹ Richard Valentine-Selsey and others, ‘UK PBSA Spotlight: Global Investors Target Resilient Sector’ (Savills 2023) 10 <<https://pdf.euro.savills.co.uk/uk/commercial---other/savills-uk-pbsa-spotlight---may-2023.pdf>> accessed 17 December 2024.

billion by 2028.¹³² Included within these investors are universities, which are increasingly entering into agreements with private PBSA providers to appeal to prospective students.¹³³ Whilst universities are the ‘driver of demand’, their direct influence over the location and form of student accommodation emerging can be minimal.¹³⁴ The PBSA sector has not only experienced rapid growth in the UK; investment in PBSA across Europe during the first three quarters of 2022 increased by 130% from the year prior.¹³⁵ Globally, investment in PBSA has increased by 425% in a decade.¹³⁶ The emergence of PBSA as the latest “commodity of choice” for corporations typifies the process of financialisation,¹³⁷ in which housing is ‘increasingly disconnected from its [...] status as a human right’.¹³⁸

Scholars have argued that the transformation of the higher education residential sector has provided students with more bargaining power, enabling students to reject accommodation which does not meet their needs.¹³⁹ Yet, students must possess a certain degree of economic privilege to be able to “shop around” for accommodation which is both of high quality and in central locations.¹⁴⁰ Whilst some students are willing to pay a higher rent for additional facilities such as a gym, games room or swimming pool,¹⁴¹ investment in PBSA has flooded the student rental market with high-cost units with superfluous amenities such as coffee and wine bars, cinema rooms and even bowling alleys, inflating the cost of student accommodation.¹⁴² The shift in the balance between university-owned and privately managed

¹³² Oliver Knight and others, ‘UK Student Market Update: Q3 2023’ (Knight Frank 2023) 2 <<https://content.knightfrank.com/research/169/documents/en/uk-student-housing-market-update-q3-2023-10763.pdf>> accessed 17 December 2024.

¹³³ Whyte (n 49) 32-33. In the UK, projects akin to private finance initiatives have been used by universities to build new on-campus accommodation. These arrangements allow the private investor to build, finance and exclusively manage the property in return for a unitary payment.

¹³⁴ Wilkinson and Greenhalgh (n 6) 18.

¹³⁵ Lydia Basseby and others, ‘Spotlight: European Student Housing 2022’ (*Savills*, 27 October 2022) <www.savills.com/research_articles/255800/334907-0> accessed 17 December 2024.

¹³⁶ Paul Tostevin and others, ‘Global Student Housing Investment’ (*Savills* 2019) 2 <<https://pdf.euro.savills.co.uk/global-research/spotlight---global-student-housing-investment-2019.pdf>> accessed 17 December 2024.

¹³⁷ Farha, Freeman and Gabarre de Sus (n 1) 5.

¹³⁸ Special Rapporteur on the right to adequate housing, ‘Financialization of housing’ (n 2) 3.

¹³⁹ Chloe Kinton and others, ‘New frontiers of studentification: The commodification of student housing as a driver of urban change’ (2018) 184(3) *The Geographical Journal* 242, 249.

¹⁴⁰ *ibid* 250. See also: Paul Chatterton, ‘University students and city centres – the formation of exclusive geographies: The case of Bristol, UK’ (1999) 30(2) *Geoforum* 117.

¹⁴¹ Jake Butler, ‘National Student Accommodation Survey 2018 – Results’ (*Save the Student*, 9 July 2018) <www.savethestudent.org/accommodation/national-student-accommodation-survey-2018.html#:~:text=Will%20you%20struggle%20to%20pay,their%20studies%20are%20affected%20too.> accessed 17 December 2024.

¹⁴² Therese Kenna and Ailish Murphy, ‘Constructing exclusive student communities: The rise of “superior” student accommodation and new geographies of exclusion’ (2021) 187(2) *The Geographical Journal* 138; Farha ‘Student housing used to be affordable’ (n 7).

student accommodation and subsequent rise in rent mirrors the disinvestment of social housing in preference of the private rental market and homeownership explored by Hohmann, underscoring that the student housing crisis is a symptom of the national housing crisis.¹⁴³ Furthermore, the discordance between students' needs, chiefly affordable housing, and the highly commercialised accommodation providers offer echoes Farha's concerns regarding decision makers' lack of meaningful engagement or accountability to affected communities, a further feature of the financialisation of housing.¹⁴⁴

The concentration of investment in PBSA has severely impacted the supply of low-cost student accommodation in the UK,¹⁴⁵ as evidenced in the cities of Exeter, Bristol and Durham.¹⁴⁶ Soaring rental costs have seen students increasingly complain of the disparity between the price they pay and the accommodation they receive in return.¹⁴⁷ Almost 50% of students surveyed by the National Accommodation Survey in 2024 considered their accommodation to be poor value for money,¹⁴⁸ furthered by the absence of a nationwide quality assurance label system for student housing.¹⁴⁹ Students with the greatest resources have access to luxury accommodation in the most desirable locations meanwhile, those without are left with lower-quality housing in peripheral areas further away from university life, mirroring global patterns of exclusion in housing.¹⁵⁰

Reynolds argues that 'the formation of gated student-enclaves creates and deepens segregation and polarisation among the student body' -¹⁵¹ yet these divisions are not confined to physical boundaries. Disparities can be seen in regard to standards of mental health, raising concerns regarding Article 12 ICESCR, with students facing housing insecurity at particular risk of poor mental well-being.¹⁵² This trend has also been observed in the US, where students

¹⁴³ Jessie Hohmann, 'Resisting Dehumanising Housing Policy: The Case for a Right to Housing in England' (2017) 4 QMHR www.qmul.ac.uk/law/humanrights/media/humanrights/news/hrlr/2018/Jessie-Hohmann-FINAL.pdf accessed 17 December 2024.

¹⁴⁴ Special Rapporteur on the right to adequate housing, 'Financialization of housing' (n 2) 10.

¹⁴⁵ Whyte (n 49) 33.

¹⁴⁶ Wilkinson and Greenhalgh (n 6); Dickinson, 'Who broke the student housing market?' (n 20).

¹⁴⁷ The Property Marketing Strategists, 'Youth Forum: The Cost of Living' (n 101) 1.

¹⁴⁸ Brown, 'National Student Accommodation Survey 2024 – Results' (n 85).

¹⁴⁹ Jordan (n 57) 95. The absence of national regulation has prompted local governments, universities and student unions to devise their own student assured housing schemes. See, for example: 'Student housing - landlord assurance scheme' (*Durham County Council*, 2024) www.durham.gov.uk/studentlandlords accessed 17 December 2024; 'Housing Accreditation Scheme' (*Lincoln Students' Union*, 2024) <https://lincolnsu.com/accreditation> accessed 17 December 2024.

¹⁵⁰ Reynolds, 'Geographies of purpose built student accommodation' (n 7) 8-10.

¹⁵¹ Reynolds 'Geographies of purpose built student accommodation' (n 7) 9.

¹⁵² Brown, 'National Student Accommodation Survey 2024 – Results' (n 85); Defeyter and others (n 55) 9.

in a Midwestern university facing housing insecurity were almost twice as likely to report experiencing anxiety and depression in comparison to those with housing security.¹⁵³ Similarly, the 2023 European Student Living Monitor report finds that across Europe, students who are continuously worried about their financial situation have worse mental health scores than those who do not, with rent identified as a particular concern for students.¹⁵⁴ An absence of available, affordable student housing thus emerges as both a cause and consequence of entrenched inequalities in high-income countries. A state's decision not to intervene in the housing market may seem to be a neutral policy; however, when looking at the UK context, it is clear that predominantly students from low-income backgrounds have been negatively affected. Thus, insufficient market intervention to ensure access to affordable housing for all students can be seen to undermine the universal right.

4. THE WAY FORWARD

As this article has stressed, the availability and affordability of student accommodation in a high-income country such as the UK is, in many ways, shaped by the broader housing market. Hence, many policy measures which have been recommended to states to regulate the financialisation of housing – such as those outlined in the 2022 Shift Directives - would benefit student tenants, for instance, the enactment of reasonable and affordable caps on rent increases.¹⁵⁵ Alongside such general measures, the Directives also include specific actions to address this sectoral housing crisis, including the recognition of all student housing as subject to the international human rights standard of affordability.¹⁵⁶ States must closely monitor the affordability of student housing, in awareness of the vulnerability of many students in this context, regulated through limits on student rental costs. Where provided, university-owned accommodation should set the market rate, acting as a check and balance against the financial support the state offers to students.

¹⁵³ Cindy W. Leung and others, 'Understanding the Cumulative Burden of Basic Needs Insecurity: Associations with Health and Academic Achievement Among College Students' (2021) 35(2) American J of Health Promotion 275, 277.

¹⁵⁴ The Class Foundation, 'Student Living Monitor: European Research Report 2023' (The Class Foundation 2023) 26 <https://cdn.prod.website-files.com/644412f33896b5075ae4157d/64f817f63a05ffa005dfce79_slm_english.pdf> accessed 17 December 2024.

¹⁵⁵ *ibid* 13.

¹⁵⁶ Farha, Freeman and Gabarre (n 1) 18.

As Hohmann underscores, the right to housing ‘rests on the cry for *recognition* of the right as much as it does on the provision of the good’.¹⁵⁷ This can be catalysed through an engagement with the issues encountered by students in relation to the right and their causes within the UN human rights system, most feasibly through the work of the Special Rapporteur.¹⁵⁸ Given the global rise of PBSA, the obligations of private actors within the student housing sector on the international level must be clarified to combat the abuse of “students-as-consumers”.¹⁵⁹ General standards should be established to facilitate the assessment of compliance, granting the state discretion over the policy measures it adopts to address the unique challenges the sector faces in its national context.¹⁶⁰

Universities must respond to calls for greater transparency for prospective students by improving access to information on the status of student housing in the locality, for example, the average cost of rent and the student-to-bed ratio.¹⁶¹ Legal advice must also be made widely available to students by the university to protect those in private accommodation from exploitation by landlords. Students, as with other tenants, should have access to an ombudsman or other external complaints mechanism in the instance of such issues arising. This can be achieved by student housing accreditation schemes which require landlords and management companies to ensure properties to meet certain standards.¹⁶² Looking forward, states must foster meaningful participation by students as a particularly vulnerable tenant group in their review of housing policies, in compliance with its duties owed to young persons.¹⁶³ This can be facilitated through student unions or equivalent student-led organising bodies to grant students, particularly those from low-income backgrounds, the power to influence decisions which affect the availability of affordable student housing.

¹⁵⁷ Hohmann, *The Right to Housing* (n 22) 6 (emphasis added).

¹⁵⁸ See, for example, Special Rapporteur on the right to adequate housing, ‘Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context on his visit to The Netherlands’ (n 67).

¹⁵⁹ Kinton and others (n 139) 244.

¹⁶⁰ These universal standards can build upon previous work of the Special Rapporteur concerning the right more broadly, such as Guideline No. 12 regarding the regulation of businesses in a manner consistent with the State obligations: Special Rapporteur on the right to adequate housing, ‘Guidelines for the Implementation of the Right to Adequate Housing’ (29 December 2019) UN Doc A/43/43 16-18.

¹⁶¹ *Independent panel report to the Review of Post-18 Education and Funding* (n 159) 196; Simon Hampton and others, ‘Student accommodation: Availability and rental growth trend’ (PWC 2023) 16 <www.pwc.co.uk/government-public-sector/education/documents/student-accommodation-availability-and-rental-growth-trends-july-2023.pdf> accessed 17 December 2024; Dickinson, ‘Who broke the student housing market?’ (n 20); NUS, ‘Housing Policy’ (n 61).

¹⁶² (n 149).

¹⁶³ Special Rapporteur on the right to adequate housing, ‘Human rights-based national housing strategies’ (15 January 2018) UN Doc A/HRC/37/53 65.

5. CONCLUDING THOUGHTS

This article assessed three key areas of policy which dictate the status of student accommodation in the UK – student finance, the removal of student caps and the lack of regulation of the (student) housing sector – to illustrate some of the broad challenges to students’ right to housing in a high-income country. It took as its departure point the interrelated components of availability and affordability, as articulated by the CESCR, recognising that students in other nations are likely to encounter specific issues which may concern other elements of the right. The article highlighted that student accommodation in the UK has experienced a rapid transformation in recent years. Previously consisting of basic rooms within university halls directly provided by higher education institutions and shabby HMOs rented out by private landlords, the sector is now dominated by state-of-the-art PBSAs perceived as lucrative assets by universities and independent investors alike. The proliferation of luxury PBSA combined with increasing student intake has driven up rental costs and depleted availability of lower-cost options, thereby impeding access to affordable housing. The article demonstrated that these policies have not only threatened students’ right to adequate housing but also their rights to education, food and health.

The case study of the UK emphasised that the availability of affordable student accommodation can be significantly affected by the status of the broader housing market. Consequently, states are urged to implement policies which regulate the financialisation of housing in a more general sense. The article further suggested specific measures to address the challenges student tenants face, including the imposition of clear responsibilities upon private actors given the sizeable control they exert within the sector. Lastly, it was emphasised that universities have their role to play, specifically by improving transparency regarding the state of student housing in the area to allow prospective students to make informed decisions as to where to study and by supporting student participation in the shaping of housing policy. Without such a collaborative effort, the most vulnerable students face threats to a number of the essential conditions for a life of dignity.

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