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# Renting in Ireland

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As part of the overall housing sector, renting has seen a considerable increase in the first 14 years of the twenty-first century. Numbers renting are now similar to those of the 1950s, when Ireland was a very different place economically and socially. Today renting is driven by forces ranging from necessity to choice to ongoing urbanisation: it is becoming the tenure of preference for many, while remaining the tenure for others with no choice. Governing legislation, providers of rental accommodation and the various rental sectors' economic value and importance are all in flux. The traditional divide between state-supplied social housing and the private rented sector is blurring in the face of political preference for market-led solutions and for the voluntary and private sectors to be the main, if not sole, providers of rental accommodation in Ireland.

Renting in Ireland brings together for the first time a range of housing experts and practitioners to discuss and analyse renting's role in Irish society. It comprises sections on the private rented sector; the social rented sector; and other relevant issues including renting and minorities, legislation, space standards and the experience in Northern Ireland. It is hoped that Renting in Ireland will help to contextualise discussions on renting, inform debate, and provide insight into how renting affects society and ideas on where to go next for a sector that has never quite received the attention it deserves.

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Front cover photos by Patryk Kosmider for Getty Images (top) and Gregory Dunn (bottom).







# RENTING The Social, Voluntary and Private Sectors INIRELAND

**Edited by Lorcan Sirr** 





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by Lorcan Sirr

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# 1

# An ideology of renting

### Lorcan Sirr

Renting – paying for the right to use a property belonging to another – has been a feature of Irish life to varying degrees for hundreds of years. In the past century, with the influence of many divergent factors from the winning of independence to evolving new (and not so new) economic theories, renting's popularity has waxed and waned. Currently, numbers renting their homes are similar to those of the 1950s.

In order to put renting in context, however, it is helpful to discuss its corollary, owning. For the past century and a half, perhaps longer, the history of Ireland has been about a struggle to own property, to escape from and then avoid the need to rent. This struggle still exists in the 21st century, although manifested in more subtle ways, and has been reinforced over decades in preferential tax treatment of home owners, in community politics, in planning legislation for development, and in cultural norms as expressed through both language and attitudes. Renting as a tenure of choice has therefore traditionally found it hard to gain an ideological foothold in Irish life, partly because of the promotion of the positive connotations associated with ownership of property (and the corresponding negative connotations of renting), and partly because renting from either the private sector or the state has never been developed as a credible alternative to such ownership.

# Ownership and citizenship

The favouritism and bias demonstrated by successive governments towards ownership of property is not unique to Ireland, and the perceived benefits it confers compared to not owning are almost universal in their

iterations and acceptance elsewhere. In the mid-19th century, Anthony Trollope, the novelist and observer of British society, regarded ownership as an essential component of a successful life. As he wrote in *The Last Chronicle of Barset*: 'Land gives so much more than the rent. It gives position and influence and political power, to say nothing of the game' (1867). Readers will note how little has changed in the ensuing 150 years. The rent-payer, the tenant, was also perceived as contributing little to their own self-development as they owned nothing: being a tenant meant being a second-class citizen, or worse. Property – specifically the ownership of property – was the measure of the substance of a person, and the fact that property taxes in many countries were levied not on the person but on their property reflects the fact that it was almost inconceivable to be wealthy *without* owning property. A person of wealth who didn't own property was an oxymoron.

There was also a notion that the requirement to pay property taxes implied an ability to behave responsibly where financial issues were concerned, an essential element in being a good citizen, and being a 'good citizen' was very important in 18th and 19th century society in the developed world. This was replicated in Irish society: in 1922 an *Irish Builder and Engineer* editorial argued that the principle of home ownership should be encouraged and facilitated because 'it tends to the stability of the State, and to a sense of good citizenship' (anon.). Wealthy people, whose wealth was measured by their ownership of property, were naturally better citizens. This is a premise that has not entirely gone away, but is a falsehood that has been regularly debunked. It has, however, guided and misguided housing policies and landlord and tenant legislation for 200 years.

In examining concepts of good citizenship, research from the United States has highlighted differences between active and inactive community engagement, whereby tenants were at least as participatory as home owners. Researchers found that:

home buyers were less likely to be neighborly than the continuing renters. Although the home buyers were more likely to participate in neighborhood and block associations, they did not participate more than renters in other types of community activities (Rohe and Stegmann, 1994, cited in Krueckeberg, 1999: 10).

There are also various theories that promote the idea of home ownership encouraging values of privatisation (see Kemeny, 1981, and Marcuse, 1987, for example) and thus perpetuating a lack of engagement with community activism or participation. Indeed, to go further, ownership of property

often promotes notions of false autonomy, whereby the presumption is that because the land is owned, the owner is free to do with it what they wish. These theories have been challenged but not refuted: research in Europe has demonstrated clear linkages between higher education and home ownership, and the positive nature of home ownership is a clear line of thought in much politically conservative thinking (see for example Kerbo, 2006; Martell, 2004; Kurz and Blossfeld, 2004).

### Fear of the un-owned

Although in the early 20th century c.90 per cent of Irish people rented their accommodation, the move towards home ownership was motivated less by a desire to house people in better conditions (conditions were often appalling, particularly in urban areas) than by a fear of the potentially disastrous consequences of not doing so. In an overwhelmingly socially and politically conservative country, the fear of lawlessness and disruption based on housing conditions was associated with an equal fear of political collectivism, particularly that manifested in communism. A ruling élite of politicians and church leaders looked at political agitation elsewhere and took note of several national and international events, including the Bolshevik revolution in Russia, the increased military abilities of soldiers (and their equipment) returning from the First World War, and more local disturbances such as the 1913 Lockout and the 1916 Easter Rising. (It is not coincidental that Dublin was the focus of these events, as many of the housing quality issues arose in the capital city, rural Ireland at the time being one of the best housed regions in Europe.) Their conclusion, like that of élites in other countries, was that home ownership dampened agitation and fostered social conservatism.

Home ownership quelled agitation for three reasons: having improved living conditions removed a primary cause of protest and discontent; a regular income was needed in order to maintain the newly owned home in a respectable manner, which implied the requirement to be in work; and home owners were less likely to strike or protest due to the fact that they now had something to lose – their homes. The result was the provision of housing for First World War veterans under the banner of 'Homes for Heroes', such as Bengal Terrace in Limerick, Legion Terrace in Longford, and the 247 bungalows built in Killester, north Dublin. Aalen (1988) outlines the process:

Under the Irish Land (Provision for Sailors and Soldiers) Act of 1919, inspired by the British government's policy for post-war

reconstruction, over 4000 houses for ex-servicemen were provided in Ireland during the 1920s and 1930s, a time of acute housing shortage. Building was initiated by the Irish Local Government Board and continued after independence by the Irish Sailors' and Soldiers' Land Trust with members appointed by the Dublin, Belfast and London governments. Some houses were built in the countryside, but most in small estates near cities and towns. Designed on garden city lines, they helped to set improved standards for working class housing.

It is interesting to note that the US had a similar experience after the Civil War of the 1860s: land distribution was driven by a desire to 'forestall the evils of a collection of landless, disgruntled ex-soldiers by helping them become landowners' (Mitchell 1985: 40). By the early decades of the 20th century in both Ireland and the US, the state made definitive links between being a tenant and the rise of socialism, and thus a bias towards home ownership and away from renting was born, promoted by vested interests such as the Roman Catholic church and groups such as those that represented the engineering profession. Much renting was of 'flats', accommodation in converted houses, and these were targeted as being 'unnatural' to live in. The architect and town planner Manning Robertson suggested in the journal Irish Builder and Engineer (1932) that 'life in a flat deprives the family of cohesion and leaves it, so to say, without roots in the soil'; he also warned of the 'moral dangers of the common staircase' (cited in McManus, 2003). This echoed 'the sentiments of many Victorian commentators, and claimed furthermore that the building of large numbers of flats was a "positive menace," as it was in line with the philosophy of Communism' (McManus, 2003: 48).

Home ownership was encouraged and facilitated through various sales and taxation schemes, and in some instances forced upon unwilling tenants. McManus (2003) reports on the sale of Dublin's local authority housing between 1924 and 1929, and how 2,436 houses were sold by tenant purchase, nearly the entire output. Several reports, however, were critical of the way middle-class policy-makers were managing to impose their values on the working classes, with Dublin's housing inquiry of 1943 suggesting 'many tenants did not want to buy a house, but used the only means at their disposal of getting a house. If similar accommodation could have been got on renting terms most of them would have preferred it.'

<sup>&</sup>lt;sup>1</sup> Report of the Inquiry into the Housing of the Working Classes of the City of Dublin, 1939–43 (Dublin, 1943), 183.

Up to the late 1970s direct grants were covering about 15 per cent of the cost of a house (Norris 2011: 1), and by 1980, Irish home ownership supports were among the most generous in western Europe (Atterhög, 2006). Throughout the 20th century, aided by state and local government intervention, particularly through grants and increased access to credit, the notion of owning one's own home rapidly moved from being aspirational to achievable. Renting, once the majority tenure, declined in social acceptability and fast became (or remained) the preserve of the poor, the unemployed, the socially marginalised and students. Home ownership was driven by a sense of primordial righteousness. As Norris (2013: n.p.) writes:

Ireland's status as a 'home ownership society' was underpinned not only by the overwhelming dominance of this tenure, but also by the normalisation of this situation in Irish official and media discourse (Gurney, 1999). High home ownership rates were routinely [analysed] with reference to cultural factors (eg Byrne (1999) relates it to the search for security inspired by the appropriation of the 'native Irish' lands by colonialists) and presented as the 'natural order' by policy makers (until the early 1990s all government housing policy statements identified home ownership as the 'form of tenure preferred by most people') (Norris and Winston, 2004: 39).

The lowly status of renting was reinforced by a concentration on private ownership as being the symbol of high achievement, good citizenship and economic, social and moral stability.

# The language of ownership

Language too has consistently perpetuated the bias towards home ownership where newspaper and other publications differentiate between 'tenants' and 'residents' (conveniently neglecting the fact that all are 'occupiers'). The *phrase du jour* in the first decade of the 21st century in Ireland was to ensure that one got on the 'housing ladder', as to miss the boat would be to forever forgo the heady heights of home ownership: renting was 'dead money'. More recently Irish banks have been selling their mortgage products by emphasising how they help people escape the tyranny of renting: 'I thought we'd be renting *forever*' (emphasis added), says the recipient of the bank's financial benevolence on a billboard. A shortage of regulation, somewhat rectified but not totally mitigated by the Residential Tenancies Act, 2004, also contributed to the stigmatisation of the sector as a tenure option. The almost total absence of regulation:

contributed to the decline of the sector, as private tenants regularly experienced difficulties from rent uncertainty and evictions, and from low quality, unfit and unsafe dwellings. These created a negative perception of the sector as a housing option and many households avoided it (Norris, 2012: 161).

The language of housing is really the language of ownership. Housing as an expression of self, as a symbol of wealth, and as an investment is *de facto* the language of ownership. Housing discourse has been dominated by a presumption of ownership to the exclusion of those who rent, and this has been reflected in the manner in which debates and events have been recorded and in the way in which renting is and has been continually referred to in a negative context.

### The new renters

Despite, or because of, this bias and stigmatisation, attitudes towards renting have been shifting since 2006, and the percentage of the Irish population renting their accommodation is back at levels not seen since the late 1950s. The positive aspects of renting are becoming increasingly obvious and important in a world of changing employment patterns and more demanding actual and potential tenants. There are new generations of renters, not forced, but wanting to rent for personal and professional reasons, and the private rented sector is now replete with people who choose to rent, not because they couldn't get a mortgage but because they do not want to own a property: this is a significant cultural shift in Irish thinking. There are plenty of reasons for this change. Some of these renters have witnessed too many people immobilised in negative equity, with large debt hung around their necks; they have savings and are not willing to risk them on owning a property in the hope it will end up in positive equity, and being in debt for the next thirty years of their lives; their jobs mean they might only be in Ireland for a relatively short period (an increasingly common phenomenon), so purchasing is not a viable option; and they've decided that they would rather rent somewhere where they have what they perceive to be a better quality of life than if they bought somewhere which might mean having to buy a car and commute or live far from a city centre and all its amenities. The trade-off between perceived quality of life and ownership is increasingly common.

At the most recent Census in 2011, 29 per cent of people in the state rented their accommodation: 18.5 per cent were in the private rented sector, and another one in ten rented from the state (CSO, 2011). There

had been nearly a doubling of numbers in the private rented sector since the previous Census in 2006 (but little change in the social renting sector), and this reflects fundamental changes in Irish society: the property boom and bust, the continued influx of foreign direct investment (FDI) and the smart young workforces it brings, and the drying up of credit with which to buy properties, if that was a preference. Indeed, thanks to a government economic policy that sets out to attract high-value FDI firms, some groups of renters are among the most highly paid in the state, with the lowest levels of unemployment and the highest levels of education. Research has also indicated that of those renting in the private sector, two-thirds would like to rent long-term (Society of Chartered Surveyors Ireland, 2012).

It's also important not to forget those who have had to leave their homes and to rent, while renting out their own property, as well as those who cannot get a mortgage. There are also those who have to rent due to repossession and eviction. These too are new renters, albeit in many circumstances reluctant renters. New renters also comprise those who have been forced to rent, or to obtain financial assistance from the state in order to continue in rental accommodation. Then there are those in emergency accommodation, or in bed and breakfasts or hotels, simply waiting for the chance to rent as they remain on the housing waiting list (about which, more below).

The complexion of the private rented sector has therefore changed considerably in terms of who is renting, and also in the blurring of lines between the private and public rented sectors through increased use of the private rented sector to house applicants who would traditionally have been housed by their local authority.

# Social renting

These changes in the private rented sector have been abetted by changes in policies and practices in social renting, i.e. renting accommodation from the state through local authorities or not-for-profit housing associations, or what is also known as social housing. The distinction between renting from the state and renting from the private sector is increasingly less clear, as the private sector is now being used to house those who would traditionally have been accommodated by the state. National and local government has effectively stopped building housing for those who would traditionally have been accommodated by their local authority, and current housing policy is that social housing should be provided by housing associations (not-for-profit organisations) and the private rented sector. At the same time, the number of applicants on local authority housing waiting

lists has risen from c.28,000 in 1993 to c.89,800 in 2013 (Housing Agency, 2013). Although there are issues with the quality of this waiting list data (duplication of applications, for example), the statistics are sufficiently accurate to reflect a housing demand of considerable proportions. On the supply side, however, local authority housing output went from 2,909 units in 1999, peaking at 4,986 in 2007, to just under 300 units in 2013. The first three quarters of 2013 also saw the voluntary and co-operative sector produce 100 units, with another 548 in progress (Department of the Environment, Community and Local Government (DECLG), 2013). It is obvious that not enough housing is produced to supply the need that exists in various local authorities.<sup>2</sup> The solution is that these applicants find accommodation in the private rented sector, and most do, with 75 per cent of those on the housing waiting lists already in the private rented sector (DECLG, 2013).

This solution isn't ideal, and two problems with this 'free-market' approach (i.e. having the private or non-profit sector supply housing for public renting) are immediately evident: firstly, housing associations with the capacity to build houses in large quantities are almost non-existent even the largest of the housing associations won't have much impact on such a comparatively long housing waiting list, as is evidenced by their limited output in recent years; secondly, given the massive increase in numbers now renting by choice or otherwise, there is no longer much room in the private rented sector for social housing applicants. With hugely increased demand from renters by choice and renters of no choice, rents have risen (c.11 per cent per year in Dublin in 2012 and 2013) and supply has dried up in areas of most demand. In early 2014, Dublin is 1,500 private rental units short per month; the rest of Ireland has c.2,000 units too many per month - so people directed to the private sector by local authorities are finding it difficult or sometimes impossible to find affordable accommodation. There are nine grounds of discrimination in Irish legislation, and poverty (or wealth) isn't one of them, so landlords are acting within the legislation to refuse accommodation to these people in need simply on the basis of their reduced financial means.

As rents increase, continued affordability also becomes an issue and on occasion means that tenants are forced from their rented accommodation for financial, rather than any other, reasons (what Threshold, the housing charity, refers to as 'economic eviction'). Landlords are frequently blamed for increasing rents beyond the means of their current tenants, but in an

<sup>&</sup>lt;sup>2</sup> See Brooke, Chapter 9, this volume for more detail on this supply issue.

economy infused with free-market ideologies, this is hardly surprising. Neo-liberal approaches to most economic issues rarely get hung up on moral niceties, and the supply and demand of rental accommodation is no different: if market rents rise, then landlords, whether from economic necessity or simply the desire to increase profits, will most likely follow suit.

### The landlords

About 75 per cent of all private sector landlords in Ireland own only one or two rental properties, meaning that they never achieve the economies of scale needed to make financially efficient investments, and obviously being a landlord doesn't constitute the professional 'day job' for most. Internationally this isn't unusual: in France, for example, this number is closer to 95 per cent; in Australia it's something similar (Scanlon and Kochan, 2011). There are relatively few countries in which the small landlord is not the main source of private rental property: Denmark and Austria come to mind (see Table 1.1). The difference between some other countries, mostly mainland European, is in types of landlord, with institutional investors being much more common in some, as well as cooperative groups and even the church in Germany. In recent years Ireland has seen the emergence of the institutional landlord, although at a very small scale as these investors test the Irish market.

The development of the institutional investment market is hampered by two factors: a lack of perceived security of tenure for tenants, meaning they are unwilling to commit to staying long-term in rented accommodation (and thereby also making the income stream uncertain for the institutional landlord); and a lack of suitable properties, usually with a minimum of 40 units all under one roof. These properties are few and far between. Scanlon and Kochan (2011: 24) have identified other barriers to institutional landlordism in Ireland,<sup>3</sup> many of which apply in other countries as well. They include:

- greater management costs for residential than commercial property not covered by rental income;
- limited possibilities for reducing management costs because residential purchase opportunities are generally modest in size (individual apartments rather than apartment blocks);

<sup>&</sup>lt;sup>3</sup> See Stafford, Chapter 5, this volume for more information on institutional investment.

**Table 1.1:** Ownership of private rented sector properties (Scanlon and Kochan, 2011)

	Proportion of dwellings in the private rented sector owned by:			
	Individuals	Institutional	,	
	or couples	landlords	Other	
France	95.1%	3.3%	1.6%	
Ireland	Most	Very few		
Australia	Most	None	Some employers	
Belgium	86%	14%		
Spain	86%	6.7%	7.2% state-owned bodies	
Norway	78%	22%		
USA	78%	13% (corporations,	5% co-operatives and	
		including Real	non-profits	
		Estate Investment	4% other	
		Trusts (REITs))		
UK	75%	25%		
Switzerland	63%	23%	12%	
Germany	61%	17%	9% co-operative businesses	
			1% churches and others	
Finland	60%	37%	3%	
Netherlands	44%	37%	19% (includes renting from	
			family)	
Denmark*	8%	10%	>50% professional landlords	
Austria	Very few	Most (corporations, municipal bodies)		
Sweden	Very few	Mostly companies (including personal companies)		

<sup>\*&#</sup>x27;Professional landlords' includes individuals and couples who are full-time landlords. Sources: Spain: Survey on Rental Housing 2003; Germany: GDW 2008 (from 2006 figures); Netherlands: WoON 2009 calculations by TU Delft/OTB; Denmark: Andersen 2010; Switzerland: own calculations from Statistik Schweiz. Other figures from country experts' questionnaires.

- individual investors can access special mortgage offers (e.g. buy-to-let mortgages);
- inadequate data on rent yields; and
- a poor legislative framework for governance of the private rented housing.

Whereas the involvement of institutional landlords is never a panacea in the social or private rented sectors, the involvement of large-scale residential investors in the rental markets does bring some advantages, including: keeping funds in Ireland, providing decent purpose-built accommodation and hence supplying the market, and also creating a low but steady source of construction work. It would also provide a supply of

both private and public accommodation for rent. While it would probably be difficult, if not impossible or unconstitutional, to force pension funds to invest in the provision of accommodation for renting in the state and private markets, there are ways to pique their interest: for example, the provision of taxation benefits or state guarantees of income.

In the social rented sector, things are both more straightforward and also more opaque. In the main local authorities have been responsible for the provision of social housing and taking on the role of landlord. This will change on foot of two things: government housing policy, which is putting responsibility for future delivery and management on the private and not-for-profit sector, and the dissolution and amalgamation of various local authorities. These have been supplemented by more than 500 housing associations, although the precise figure is unknown. The fact that the exact figure is unknown is unusual: response rates in research attempting to gather more detailed information have been low. Most of these housing associations deliver and act as landlord to small numbers of properties, and find it challenging to build up expertise and economies of scale to deliver more.

# The policy perspective

Despite the increased demand for and interest in renting, the development of an actual ideology of renting – a normalisation of renting from policy to practice – is hampered by a lack of direction and co-ordination at national level. The rental sectors – both public and private, short- and long-term – are playing an increasingly important role in Irish society and economy (among other things through the provision of short-term accommodation and the facilitation of economic mobility), yet the maturation of the sectors and recognition of their importance are hampered by the dearth of informed policies that seek to develop the sectors in a holistic manner (legislative reform, planning standards and so forth), and by political will to address failings in the systems, especially where renting from the state is concerned. Whereas there is both a need and a demand for the development of an ideological approach to renting as a housing tenure, the state has been reluctant to engage with the development of any approach bar that of reliance on the private rented sector to deliver what the state would traditionally have provided. This transfer of provision from state to private is of course increasingly common in western economies in a variety of sectors. The importance of housing to individuals, to society, and to a national economy is such, however, that reliance on third parties is a risky approach.

### Housing policy statement

Despite being regarded as being somewhat radical (mainly due to its stated aim of 'equity of tenure'), current Irish housing policy<sup>4</sup> remains disappointing on any form of detail, and quite aspirational. This is what it says concerning renting in the private sector:

A balanced housing sector requires a strong, vibrant and well regulated private rented sector. Important steps have been taken in this regard in recent years with the establishment, via the Residential Tenancies Act, of the Private Residential Tenancies Board (PRTB) and the creation of real security of tenure, as well as the introduction and enforcement of higher minimum accommodation standards.

We are committed to building on this, and to making the rented sector a stable and attractive housing option for all, delivering true choice across tenures. In the short term, we intend to introduce legislative changes to optimise the efficiency with which the PRTB does its work and to bring tenancies in the voluntary and cooperative sectors within the PRTB's remit. We will specifically address the illegal retention of deposits by landlords and the overholding of property by non-rent-paying tenants in that context. In the longer term, the provision of equitable regulatory treatment for all forms of non-ownership housing, and how best to enhance the stability of the sector, must be considered (DECLG, 2011).

The policy section on the private rented sector does not address the development of renting as an accepted practice, but instead focuses on regulatory issues such as deposit retention, ignoring aspects of supply and demand that hamper the private rented market. It also fails to address the development of new types of landlords, and the needs of the 'new renters' such as, perhaps, the development of a new type of lease outside of the current four-year cycle lease in the Residential Tenancies Act, 2004. Rather erroneously, the policy seems to accept the current reasons for termination of a tenancy as 'real security of tenure', when it is this very issue that is preventing many potential tenants from becoming involved in long-term renting. The policy also comments on renting from the state, and this aspect mostly focuses on finding 'funding mechanisms' to allow construction of new accommodation:

<sup>&</sup>lt;sup>4</sup> At the time of writing, the government is preparing a replacement housing policy, but with no date given for when it will be finalised and become policy.

A restructuring of the social housing investment programme to allow for the delivery of new social housing through more flexible funding models will provide key sources of delivery in the period ahead. The social housing leasing initiative and, in particular, the Rental Accommodation Scheme (RAS), will each play their parts as longterm social housing supports (DECLG, 2011).

There is more, of course (not much, however), but the general picture is that as a policy – a guiding document for the country in all aspects of housing – it is short on specifics and is singular in approach: a decent housing policy should be aligned with and embedded in other policies such as planning, economic development, equality, environment and finance. There is no evidence of this here. It would appear that renting is, again, left ideologically undeveloped as a 'tenure of choice' (for those who want to rent), and as a tenure of no-choice for many who have limited alternatives.

### Structure of this book

The development of housing policy, and policy to deal specifically with the different sectors within housing, is lagging behind developments on the ground rather than guiding and directing them. Although this is not an unusual phenomenon, the importance of housing, and the increasing importance of renting (particularly in that the choice or need to rent often reflects more than mere accommodation choices), is such that it was felt worthy of this volume.

The book is divided into three main sections:

- the private rented sector, with topics such as policy drivers, management, institutional investment and the crossover with the social rented sector. Authors here are: Dr Michelle Norris, Jim O'Connor, Dr Ronan Lyons, Dr Peter Stafford, Dr Declan Redmond and Dr David Duffy.
- the social rented sector (covering rented accommodation provided by the state and voluntary sectors) which includes issues such as governance, tenant experience and casualisation in renting. Contributors here are: Dr Aideen Hayden, Simon Brooke, Donal McManus, Dr Rory Hearne, Dr Cathal O'Connell, and Joe Finnerty.
- other issues affecting and relevant to renting, in which subjects such as human rights, renting for minorities, design and the experience in Northern Ireland are covered. This section has contributions from: Rosalind Carroll and Adèle Lacey, Dr Padraic Kenna and Julian Sidoli del Ceno, Jim Roche and Noel Brady, and Dr Jennifer Donald.

In this volume, the term 'social rented' is interchangeable with 'social housing'. Authors are all experts in their areas, and the views expressed here are their own. Author biographies are included at the start of the book.

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# 17

# Renting: Urbanisation, legislation and professionalisation

### Lorcan Sirr

# **Urbanising Ireland**

The increased importance of renting in early twenty-first-century Ireland reflects broader changes in Irish society, which themselves reflect wider international changes. Ireland has become increasingly urbanised, with 62.2 per cent of the population living in urban areas compared to c.50 per cent in 1966, and more relocating to such areas each year. Ireland's urbanisation crossed the Rubicon in 1966 to an economy and society in which cities play an increasingly important role. It is estimated that by 2070, more than half of the population of the Irish state will be living in Dublin and its four surrounding counties, which together make up the Greater Dublin Area. This pattern of urbanisation is typical in many developed countries worldwide; despite the often vocal protests, Ireland has been slow to develop in this way, and in comparison to many of our European neighbours is still quite un-urbanised – for example, Denmark is about 86.9 per cent urbanised, the United Kingdom is 79.6 per cent urbanised (United Nations, 2011). The Irish lag in this process is due mainly to political resistance: policies such as the ill-fated and inappropriate National Spatial Strategy and the Industrial Development Authority's (IDA) Horizon 2020 policy - which states that half of all new foreign direct investment (FDI) must go outside Dublin and Cork, disregarding the needs and wishes of the investors themselves - have attempted to thwart the urbanisation of Ireland, but the process is greater than policy, and has hence been a slow but nevertheless steady one.

Urbanisation means more than an increase in urban population, though; urbanisation brings with it a change in value systems and frequently a related change in personal priorities. This perhaps provides a subconscious rationale for attempting to stem the tide, as these changes are often reflected in election voting patterns, and here again Ireland is following a well-worn path of increased urbanisation leading to the election of more non-mainstream politicians (typically, but not always, liberal 'Independents') and away from traditional rural-based parties. This is another step in an emerging trend towards a cultural shift in Ireland (for more on this see Skehan and Sirr, 2010).

Urbanisation also brings with it innovation and drives change, firstly at the urban level and then nationally. Much of this change stems from economic drivers and especially the influx of new FDI, 70 per cent of which has been located in the large urban areas of Dublin and Cork (see IDA annual reports, various years). This is because urban areas can supply the staffing and infrastructure FDI needs, despite successive governments doing their best to entice it to rural areas. The IDA's *Horizon 2020* strategy and the government's own *National Spatial Strategy* both attempted to shoehorn industry into locations that needed employment, most of which were unsuitable for the new entrants' needs (and according to the IDA, *Horizon 2020* remains government policy until the end of 2014). Jobs follow people, therefore jobs will not stop coming to urban areas.

Renting is partially a product of increased urbanisation. For those who need to rent, urban areas provide an ideal location to seek financial betterment through education, employment and the related increased choices about tenure (i.e. to rent or to buy). Demographic patterns in urban areas also drive the practice of renting. As well as being repositories of ideas, creativity and innovation, cities tend to be:

- a) the locations where the cost of living is greatest, <sup>99</sup> and accommodation shortages and poverty happen in the greatest proportions; and
- b) where the highest earners, best educated people and most single people live.

International experience has shown that both of these factor groups lead to demand for rented accommodation. As Ireland urbanises, so renting will increase and both the social and private rented sectors will continue to find purchase and succour in urban areas.

<sup>&</sup>lt;sup>99</sup> A working couple in Dublin will spend just over 24 per cent of their income on their mortgage, compared to 16.7 per cent in the rest of the country (DKM, 2014).

### An important market

When the twin influences of FDI (and especially the high-end, high-tech end of this market) and jobs locating in cities are combined we find an influx of employees for whom renting is the tenure of choice. These tend to be people on short-term (but lucrative) contracts for whom renting is the norm. They often drive rental markets in entire swathes of cities due to their desire to rent and their ability to pay for it. Labour mobility, the ability to be able to follow employment, is now a key component of many successful economies. This is not likely to change in the foreseeable future. Neither is the requirement on the state, however it is achieved, to accommodate people who are income-compromised or otherwise in need of housing. Both will ensure the continued importance of renting as a tenure of necessity and choice.

Renting therefore has a key role to play in the future of Ireland. Although there may be fluctuations in specific percentages of the population who rent, it is likely the overall proportion of people renting will remain higher than it has been in the past three decades. Despite decades of support for, and the 'commodification' of, home ownership (Drudy, 2007: 85), levels are currently below the EU-27 average (70.3 per cent) at 69.7 per cent (Central Statistics Office (CSO), 2011). The culture of ownership is so engrained in many minds – particularly in political circles – that this figure is still often surprising and unaccepted. Unfortunately those who shout loudest about what they perceive to be Ireland's housing needs – despite evidence suggesting otherwise – tend to get heard, and renting features only for its lack of prioritisation, rather than being considered as a viable alternative to ownership and a sustainable way of meeting accommodation needs.

However, renting is no longer the preserve of the unemployed, the socially marginalised, students and immigrants: it now comprises a much wider spectrum of society and is an active ingredient in the economic and social capital of Ireland. This has not been the case heretofore. Maintaining the capacity of the rental market to satisfy its various consumers, actual and potential, is therefore an issue of considerable significance. A poorly functioning rental market will constrain Ireland's ability to accommodate those in need, and those who want to rent; it will tarnish Ireland's capacity to be competitive; and by reducing disposable income it will detract from the broader economy – all of which need not be.

<sup>100</sup> Labour mobility also has an impact on the design standards of rental accommodation: see Brady and Roche (Chapter 15, this volume) for more detail.

### Regulation and policy

In an increasingly outsourced world, it is no surprise that housing too has been put up for tender: government policy is now to let the market cater in various ways for the delivery of accommodation in the social rented sector. For the delivery of physical accommodation units, this will be mainly done through a variety of partnership mechanisms and collaborations between the voluntary not-for-profit sector (essentially housing associations) and the private sector. For the delivery of immediate accommodation, this is being achieved by using the private rented sector to supply accommodation for those who would traditionally have been housed by a local authority. In both of these instances, there is a considerable blurring of lines between the role of the state as traditional provider of housing for those in need and the private sector.

A clear separation of functions between the different rental markets makes regulation easier: when the functions are blurred, fluctuating and merging (and de-merging) regulation becomes both more important and more challenging. Policy goals and aspirations (such as 'putting the tenant first') are sometimes more easily achieved or believed in one sector than the other. New contracts, differing work practices and ethos that may well be at variance from each of the parties (the simplest example being profit versus not-for-profit), and a variety of experiences and roles in the teams involved means potentials to be explored and gaps that may be exploited. If the state is to continue to insist on its withdrawal from the direct provision and management of accommodation for social renting, then it is important to prioritise the reduction of inequalities not just with end-users, but also during the process of delivery.

As the rental markets become more important on a macro level, housing policy needs to address them specifically in more than just the repetition of aspirations. Policy must direct the rental markets towards stated goals, and not catch up with labour-intensive and ultimately futile attempts to rectify easily predictable issues. A managed quantitative evaluation process based on housing data must inform policy, and policy must encompass the intricate relationship between the different components of the overall housing market(s), and must also be able to address the different components within the rental market itself. Housing policy has been reluctant to address renting as a viable alternative to ownership, but if it eventually does, then it should recognise the differing strata within renting and address each on its own terms – a blanket policy will fail the sectors, the users and the deliverers. A housing policy with any chance of developing sustainable housing and rental markets must encompass the

wider socioeconomic picture, and so should have contributions from a variety of ministries including law, finance, social protection, transport and environment. Policy formulation that emerges from the silo of an individual government department is doomed to fail.

## Something to regulate

It is, of course, pointless to have policy, regulation and legislation without having something to regulate - supply, and equally important, supply in the right locations and of the right type. Unsurprisingly, the largest proportion of households renting is in urban areas: rented accommodation was more likely to be located within the cities with Galway (39.8 per cent), Dublin (34.1 per cent) and Cork (28.8 per cent) having a considerable proportion of households rented by their occupants (Society of Chartered Surveyors (SCSI), 2012). With the use of the private rented sector to provide accommodation for those who would normally have been housed by the state, any shortage in supply and consequent increase in rents is of critical importance, particularly as demand has increased significantly: the number of households which were rented either from a private landlord or voluntary body rose by 63.6 per cent to 2011 (Society of Chartered Surveyors Ireland, 2012). In 2014, Dublin's supply of rental accommodation has a shortage of over 1,500 units each month: a healthy market for Dublin would have twice that number available to rent each month (Lyons, 2013). Following predictable laws of supply and demand, therefore, rents in the capital have been rising at c.11 per cent per annum for the past three years, leading to issues of affordability in both the social and private rented sectors. There are obvious issues of a lack of supply here affecting both housing organisations' and individuals' ability to source suitable accommodation, as well as issues of affordability, which is one of the key drivers of higher wage demands. Higher wage demands are, in turn, a key driver in a lowering of economic competitiveness.

An increase in supply of accommodation for rent is needed, but being a landlord is becoming an increasingly unattractive proposition, even in Dublin and especially outside of the capital. Despite rising rents, more landlords are removing their properties from the social rental market than are being added, especially from the Rental Accommodation Scheme, something over which the state has no control; as house prices increase, this situation will steadily worsen as landlords cash in on the capital value of their properties, in most instances removing their incumbent tenants in the process. A sustainable policy for social renting would immunise itself from market fluctuations. Given the increasing importance of renting, a

lack of supply is not what is needed, but neither is simply having more rental units. Careful consideration of the changing needs of renters – from public and private perspectives – means more thought needs to be applied to the types of physical accommodation supplied, its location and also its tenure type (there can be more than one type of lease).

### What to do?

For myriad reasons, not all of them economic, renting is slowly gaining a foothold again in Irish society, although still standing on a slippery slope given the legislative (e.g. security of tenure) and financial (e.g. preference for home-buyers) forces standing against it. Public attitudes to renting are changing, sometimes being driven by internal factors, and sometimes from without. This is forcing a rethink of the way we house ourselves, physically, legally and economically, which can sometimes put us in an awkward position - what to do when the clamour is for three-bed semi-detached housing, but the demographic data doesn't necessarily support that? At an international level, too, a rights-based approach to housing, rather than simply a market-based approach (but probably combined with one), will also force a rethink of how we live. Supply and demand, although important in any market, will be tempered by other, more ethical influences (and judgements): how we accommodate our population is no longer merely about construction industry jobs, nor rising property values, but the manner in which the state ensures that people can live with dignity in affordable accommodation - rented or owned - in communities that are useful, used and sustainable. Rented properties have a large role to play in this in the short and long terms. In the immediate future, the rented sectors - private and social - need addressing in several areas.

### **Policy**

At a strategic level, policy should address issues such as the type of accommodation system we want to have by 2030; what proportions of the population it is desirable to have as home owners and as renters (Bloomberg Research (2011) puts the ideal level of home ownership at 64 per cent); and what legal structures should exist to encourage, develop, mature and expand practices of ownership and renting. At a more detailed level, policy should have specific outcomes for the short (three-year), medium (four- to ten-year) and long terms (ten-year plus). For example, these outcomes could cover plans for the type of accommodation to be provided especially for different segments of the population; the location of accommodation; new forms of leasing, financing and investment in rental

properties; property management systems; landlord and tenant training; and the delivery of deposit retention schemes.

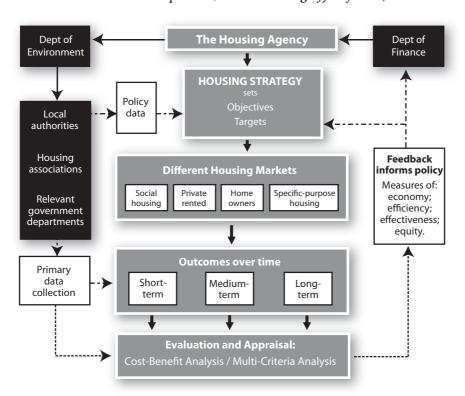
It is also important that rather than a global housing policy, the state needs to segment the housing market, especially the rental sectors, and treat them accordingly as each of these segments will have different needs and outcomes. Housing policy should also align with other government policies, especially planning and transport and law. For example, the government's *Construction 2020* strategy contradicts the tenure-neutral promise of the existing *Housing Policy Statement 2011* by pledging support to home buyers (but not to anybody renting). Current government policy on housing also contains a considerable number of aspirational goals, but their general vagueness has so far precluded measuring the degree to which any have been achieved.

The most important feature of any policy to develop and reform the social and private rented sectors in Ireland must be that it is based on data than hearsay, speculation and lobby group-sponsored research/marketing. The lack of accurate data was unhelpful in the development of the previous housing boom, and a lack of transparency in all housing-related markets meant both policy and individuals were essentially involved in speculation. For some this has paid off, but for many, especially home owners in negative equity, it has not. How we choose to live should not be a financial gamble. Access to data has improved considerably in the past half decade, with much information now available on house prices (property price register), rents (Private Residential Tenancies Board (PRTB) rent index – see Duffy, Chapter 7, this volume), and demographic trends and related housing needs (CSO; the Housing Agency). It is vital that policy to develop renting – including on where it is located - be based on actual data and not on theoretical aspirations such as balanced regional development (a theory more suitable for countries with a larger quantity of regional urban developments).

Recent data from the Housing Agency's Housing Supply Requirements in Ireland's Urban Settlements 2014–2018 (Housing Agency, 2014) has made for surprising reading for some policy-makers who carry the baggage of a culture of housing which has altered unknown to them, or is simply beyond their ken. Policy on housing and renting must lead developments on the ground and not pursue them: at this stage, it is still questionable whether policy-makers, with often dated concepts of how and where we should live, can rise to the challenge of directing rather than correcting housing. It will be disappointing if prejudices about practices such as renting are overcome faster around the (rented) kitchen table than the government cabinet table. In the development of policy, therefore, the

creation of the Housing Agency in 2010 was a very positive step. Accurate and informative data – especially about future housing needs – can now be presented objectively, and used, if the will exists, to inform policy. The success or otherwise of policy initiatives can be measured and the resultant data can feed back into policy to reform and adjust it if necessary, as in Figure 17.1.

**Figure 17.1:** Data-informed policy generation for housing (solid lines signify 'has a direct impact on'; broken lines signify 'informs')



Finally in this section, there are numerous strategies in existence that directly or indirectly deal with how and where accommodation is to be provided in Ireland: the Housing Agency's Report on *Future Housing Needs*; the *National Spatial Strategy*; *Construction 2020*; the *Homelessness Policy Statement*; and so forth. Some of these contradict each other (e.g. the NSS's targeted areas for housing and the Housing Agency's), which is detrimental to the overall success of either policy. A hierarchy of policy therefore needs to be established, agreed and implemented.

### Landlords

Ireland needs more landlords. Individual investor (or 'amateur') landlords play a vital role in the rental market in supplying accommodation to the private rental sector, and more recently and increasingly to the state through rental schemes. Being an individual landlord of a small number of properties is increasingly financially onerous, however, and the danger is that it will become unattractive to new entrants. It is incumbent on any housing minister to ensure that a balance is struck between the demand for rental units and the supply. Whereas the idea of using a form of rent control has been mooted in 2014, in the medium term it will be more efficacious to increase the supply of properties. There is a plethora of financial measures at the government's disposal to make being a landlord an attractive proposition again, and such measures could equally be differentiated by sector and specifically targeted at landlords for the social rented sector in particular.

Ireland also needs new types of landlords. Although what in the US are referred to as 'mom and pop' landlords make up the majority of the landlord market in Ireland, there is room and demand for new entrants to the market, and specifically ones who are professional landlords. These landlords are interested in the long-term yield from their properties, and hence desire long-term lessees, groups of properties under one roof if possible, and to offer a level of services that will encourage their tenants to stay for as long as possible. These investment landlords are common in many countries, but so far have been slow to enter the Irish market. The demand from potential tenants is there, but again the supply of suitable landlords is not. Pension funds, insurance companies, and even churches are often landlords in other jurisdictions, and it would help to mature and develop the rental market here (private and social) if these institutions could be encouraged to enter the market here. There is an argument to force pension funds to invest a certain proportion of their funds in residential property, which would both keep the funds in Ireland and create a steady (if low) stream of construction employment, but it is doubtful if the political will exists to do this. In any event, as with the individual investors, it is not beyond the means of any government to smooth the entry of larger-scale landlords to the rental markets, social or private.

Private landlords also need to increase their skills and knowledge in relation to their rights and obligations. According to the PRTB's *Annual Report and Accounts 2012*, in 76 per cent of deposit retention disputes either full (33 per cent) or partial (43 per cent) refunds have been made to tenants. This is the largest category of disputes referred to the PRTB. The

high rate of full or partial refunds indicates a lack of awareness on the part of landlords on when they can and cannot retain a deposit. (Matters are further complicated by landlords who no longer have the deposit to return.) Similarly with unlawful evictions:

an unlawful termination of tenancy, or illegal eviction, is deemed to have taken place where a landlord through force or otherwise, prevents a tenant from accessing the rented dwelling or removes their belongings from a dwelling. In 2012, 69% of complaints of illegal eviction were upheld by the PRTB (PRTB, 2012).

Although research is ongoing in the area, as it has been for approximately two decades, these figures also strengthen the argument for the creation of a deposit retention scheme, something (alongside security of tenure) that is a cornerstone of the maturation of the private rental sector.

### **Tenants**

One of the most significant changes to the rental markets in recent years, aside from the actual numerical increase in people renting in the private rented sector, is the type of renter. Renting no longer being the last refuge of the socially marginalised and students, renters now make up a much broader cross-section of society, from the severely income challenged to the very wealthy, from the early school-leaver to the highly educated. Many of those now in the private rented sector are people who would be 'mortgagable' if they so desired, but who instead have chosen to rent over property ownership, frequently for reasons associated with quality of life. Indeed, in the *Tenure Mix Report* (SCSI, 2012), over 60 per cent of current renters expressed a desire to rent long-term, especially if they could avail of a long lease; less than 15 per cent said they would be applying for a mortgage in the coming twelve months. A key factor for many tenants, and mentioned in the SCSI report, is long-term leases. It is time for the government to assess options other than renting or buying accommodation under the current system. There are various leasing options to be explored, including that of 20-year-plus leases that give security of tenure to tenants, and security of income to landlords. There is an obvious demand for such leases, but unless a tenant can persuade a landlord to create one, they are virtually non-existent in the Irish marketplace. The advent of professional institutional landlords would be a possible solution to this issue, as they are traditionally more likely to be open to such longterm leases as they provide long-term secure income.

The complexion of tenants renting from local authorities or housing associations has also broadened, with many new renters being forced into seeking accommodation assistance from the state. Increases in the number in mortgage arrears and indications that repossessions will increase in the near future suggest that the numbers on housing waiting lists are not going to decline in the near future. It is arguable that only the direct provision of housing for rent by the state will resolve some of the demand currently existing, although this idea tends to meet ideological opposition from financial and political interests on the right. Although the National Asset Management Agency (NAMA) has much housing, it is frequently:

- a) time-consuming to get ready to come to the market;
- b) in locations with little or no employment opportunities;
- c) in areas that are unsuitable for people to live due to being poorly serviced; and
- d) grouped together, with the potential of creating a ghetto effect.

Expecting either NAMA or the private rented sector to be able to accommodate both private and social tenants, however, is evidently not working, and with a severe accommodation shortage of properties to rent, and a housing waiting list of c.89,600, it is difficult to see options being presented with timely impact.

Rent arrears is the largest source of dispute brought by landlords to the PRTB, being 32 per cent of all disputes, and is likely to increase.

The 2012 figure represents an increase of 122% and is a reflection of the overall economic situation. Tenants are required by law to pay their rent when it falls due, regardless of whether or not they are in an ongoing dispute with their landlord (PRTB, 2012).

As with landlords and deposit retention and unlawful termination, rent arrears is evidently an issue of contention and the issue of education and training for the significantly increased number of tenants in either the social or private rented sector needs to be addressed, but most especially for private tenants (who now also constitute a large proportion of tenants renting from the state).

### Legislation

There are (at a minimum) three main areas that housing policy needs to address in relation to legislation and renting, particularly in relation to the Residential Tenancies Acts. With a new typology of tenants entering both

the social and private rented sectors, the Residential Tenancies Acts need to be altered to recognise the new needs and aspirations of these tenants. Security of tenure is an issue affecting every tenant with a lease under Part IV of the Residential Tenancies Act, 2004. This Act sets out the reasons whereby a tenancy can be terminated. A landlord can give 28 days' written notice to quit without reason during the first six months of a tenancy. Thereafter, the landlord can only terminate on one of the following grounds:

- Tenant fails to comply with the obligations of the tenancy;
- Dwelling no longer suits the occupants' needs, e.g. overcrowding;
- Landlord intends to sell the dwelling within three months of the termination of the tenancy;
- Landlord requires property for their own or family members' use;
- · Landlord intends to refurbish the dwelling; or
- Landlord intends to change the business use of the dwelling.

There are provisions within the Act to deter the landlord from using the reasons above as an excuse to remove a tenant (to achieve a higher rent, for example), but the reality is that they are difficult, if not impossible, for a tenant to enforce. Although other countries, such as France, have similar measures in their equivalent legislation, the preventative measures are stronger and easier to enforce against a landlord who misuses them. Legislation therefore needs to strengthen the reasons whereby a tenant has a right to stay, and reduce the reasons whereby a landlord can regain possession of a property (it should also strengthen landlords' ability to remove non-paying tenants). Although landlords and tenants can jointly create a lease between themselves (once the tenant is not placed in a worse position than the Act allows), this is not common. The Act could be amended to allow for different forms of leases with differing securities of tenure depending on the duration of the lease, and depending on the requirements of the landlord and tenants. Providing proper security of tenure to tenants is not a negative thing: serious investors want the same tenants for long periods of time - it actually increases a property's value as it provides security of income, and reduces risk.

The creation of a deposit retention scheme is crucial to the long-term credibility of any rental market. Permitting the landlord to retain the tenant's deposit puts them in a position of unequal strength and is therefore inequitable. The problems created by this antiquated system are evidenced in the PRTB's report cited above and the figures relating to deposit retention and refunds.

Finally, the issue of professionalisation needs to be addressed. Essentially, professionalisation means:

creating workers whose core skills are that of housing, who will normally have university level qualifications in the area, and who will preferably belong to a professional body who will ensure high standards of practice and ethical behaviour. It means having professional staff who will not be transferred at will to other departments but whose skills, expertise and experience will increase and be of greater value to their organisation over time (Sirr, 2012).

With the withdrawal of local authorities from the delivery of housing for rent, such accommodation cannot easily be achieved with a large number of voluntary housing associations, most of which deliver either specialist or very small numbers of units per annum. They frequently have neither the skills nor the economies of scale to be effective or efficient. Given that Northern Ireland has a mere twenty-five housing associations (see Donald, Chapter 16, this volume), it is incomprehensible that the Republic of Ireland has in excess of 500. This sector needs to be consolidated and although the non-professional contributions are welcome and helpful, in the main the delivery of housing for rent needs to be dealt with by professionals who can deliver in the quantum, governance, typologies and economies required in constrained markets.

Housing as a (decreasing) function of local authorities is possibly the most in need of professionalisation. As local authorities pull back from the construction of housing for rent, they will increasingly have to engage with both housing associations and the private sector for the delivery and management of their housing needs. Unless they have expertise – skilled people who can work knowledgeably with these other sectors, understanding the needs of the private sector, what the housing association wants to achieve, and how to fulfil the local authority's own housing policy – then public sector housing policy is doomed to the middle ground of satisfying nobody, if not total failure.

Central and local authority social housing sectors, once dominated by long-serving workers with experience and motivation, are now subject to flexible staffing, meaning that housing personnel are often moved to other sections, causing frustration for outside bodies such as housing associations in continually having to deal with new staff members. The civil service also likes the old-fashioned notion of having 'generalist' workers, forgetting the waste of resources that went into building up worker expertise. Housing is often regarded more as an administrative

function than a skill in its own right; housing, however, is a thoroughly complex and demanding skill involving law, social policy, construction, finance, management, property development and negotiation. It is not a skill to be regarded lightly, as many have done. Private housing sector amateurs flounder; public housing sector generalists frustrate and are frustrated. Housing policy, delivery and management require professionals with proper housing skills.

### Conclusion

Renting is a more complex topic than many policy-makers appreciate, as is borne out by the variety of chapters in this volume. The rapid escalation and broadening of the rental markets has not been matched by commensurate policy initiatives or support, instead being led by free-market theory and hope, neither of which works well without help. Although it is evident that renting as a practice and as a necessity will increasingly feature in Irish society for decades to come, there has been little appetite to date to tackle its issues, support its development or professionalise its delivery. It is hoped that volumes such as this, alongside new and timely objective data from bodies such as the Housing Agency, will bring the positives of renting – in the social and private sectors, for individuals, organisations and society – to the fore and facilitate the demand within society for secure and sustainable properties to rent in the near future.

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