

# PRIVATE TENANT

## Conference sell-out success

Camden Federation of Private Tenants' first tenant conference – **Regulated tenancies – Where do we go from here?** – received a unanimous thumbs-up from delegates and speakers.

One hundred and thirty Regulated tenants from Barnet to Lewisham joined Camden residents to take part in the event hosted by CFPT at Camden Town Hall.

A host of speakers including Helen Carr of The Law Commission, John Swinnerton of the Rent Service, Joe Oldman of Help the Aged, Aileen Hamilton-Farey of the London Rent Assessment Committee and Jacky Peacock OBE of Brent Private Tenants Rights Group (BPTRG) addressed the conference on topics covering the rent cap, harassment and housing courts. Following a buffet lunch where tenants had a chance to meet and talk to each other, the conference broke into three workshops to look at the issues raised.

Although there was no fee for the conference, a generous £200 was taken in donations. Delegate feedback was also very positive. Many of those attending were excited to meet others in similar situations and there were calls for further conferences.

CFPT targeted tenants largely via our membership and those of BPTRG and the Campaign for Fair Rents chaired by Helen Holdsworth OBE, but what was clear was that tenants were keen to join forces to tackle common problems and issues such as landlord harassment, disrepair and continued rent increases. There was a shared recognition that Regulated tenants are an ageing group whose numbers are declining, and that it is crucial



Caption to go in here?

for these to have a voice in the political arena.

The strongest message from the conference, however, was how important it is to make policy makers realise that a tenant's house or flat is their home and not simply a piece of someone else's property.

CFPT will be organising a second conference in March 2005 – The future of the private rented sector. Contact the office for further information (see back page for contact details).

For more on the conference workshops see page ###

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**THE DEFINITION DESERVES A CLOSER**  
inspection in the light of the new developments in anti-social behaviour (ASB) policy. As you might expect, it excludes cases of domestic violence and resident landlord/tenant harassment, because the victim and the perpetrator constitute the same household. Also, such feelings as alarm and distress are highly individual and one may argue that it is the most excluded people who are likely to experience them the most. Yet, it is the community that is at the heart of the new approach. Although individual or individual cases are also dealt with, a lot more evidence has to be gathered because there may only be a few witnesses involved. The Home Office has issued guidance as to what may constitute anti-social behaviour, examples including anything from nuisance behaviour and littering to criminal damage, drug dealing and prostitution.

ASB is now among the top priorities for the government and police. The Home Office has set up an ASB Unit that runs the 'Together' campaign; the Office of the Deputy Prime Minister, Department for ES and Department for Environment Food and Rural Affairs are involved and ASB is one of the top four priorities in the national policing plan 2004. The idea behind making this a common priority is to prevent the perpetrators from playing one service against another.

Such cross-departmental commitment, alongside with a more action-based approach is relatively new. The powers granted under Police Reform Act 2002 and Anti Social Behaviour Act 2003 include injunctions, forced entry, ASBOs, Parenting and Individual Support Orders, possession of property and equipment, and demotion of

## Anti Social Behaviour is "any behaviour that causes alarm, harassment or distress to one or more persons not of one household"

**Crime and Disorder Act 1998**

tenancy. However, there isn't yet much experience as to what is the best way to implement them. There are still discrepancies at all levels in who does what and whose responsibility it is and Camden is still in the process of fine-tuning its procedures.

Camden is one of 'trailblazers' which means it is one of the 10 areas across England and Wales being used to pilot new techniques to tackle ASB and to generate the experience needed to develop a nation-wide approach.

When dealing with a case, the officers work up a ladder in terms of the civil and criminal interventions they use. They aim to provide advice or forward a complaint within 24 hours. In cases where interventions are needed, the relevant authorities are informed. These start off with warnings and acceptable behaviour contracts or agreements (ABCs/ABAs), which are not legally binding. So far, the trailblazer experience suggests that a vast proportion of ASB stops after these measures are used. However, some may recall the 'property marked' crime reduction window stickers, where the initial success was largely due to the novelty of the scheme. Nonetheless, this time the measures do not stop at informal level and even breached ABCs can be used as evidence. The more formal interventions include: injunctions, orders on conviction, possession, crack house closures and demotion of tenancy for council or social housing tenants. The demotion of tenancy seems

worrying, as even in crack houses it is often the case that a vulnerable tenant is exploited by a dealer who has nothing to do with the property. Although the teams are encouraged to provide an all-rounded support to vulnerable people, the message is that the community comes first.

At national level, the Home Office guidance to the officers dealing with ASB stresses that the approach should be witness centred. ASB is now a multi-agency priority and the resources are there to tackle it. The agencies involved must not reveal the identity of a person who has made a complaint, but if criminal proceeding are pursued the perpetrator has the right to know the name of the person accusing them. There are sophisticated witness protection schemes in place when a case goes to criminal court, but the same is not true of civil courts. It is important to note that anonymous 'hearsay' evidence is allowed, although it does not carry as much weight.

At a local level the Camden Witness Support Scheme is being developed for officers working with witnesses who are involved in any legal proceedings. According to the draft of the guidance an officer should keep in touch with a witness at least once a week; respond quickly (such as interim ASBOs, ex parte injunctions; police involvement); employ extra security measures (such as Careline alarm) and gather evidence quickly.

Anti-social behaviour can affect and of course be carried out by anyone, and the measures developed to tackle it are designed to provide remedies that can cross cut over tenure and residency. The first point of reference when affected by ASB is your local Housing Advice Centre, Environmental Health or The Police.

# Is Your Home at Risk of Flood?

I am doing some research into how people react when they find out that their home is at risk of flood, and am looking for volunteers to participate in a short discussion at a local venue, during December or January.

Participants will each receive a small gift of £20 and will have the chance to discuss with other local people how they can protect themselves and their homes from the damage and distress that flood can cause.

If you might like to take part and you think that your home is at risk of flood, then I would love to hear from you. Please either pass your name on to the Camden Federation of Private Tenants or contact me directly at Flood Hazard Research Centre, University of Middlesex, Queensway, Enfield EN3 4SF – t.harries@mdx.ac.uk. (Please give your name and contact details.) The research will be confidential and anonymous.

**Tim Harries**

Flood Hazard Research Centre  
University of Middlesex



## Protecting your home against flooding

In the summer of 2002 rain fell so quickly and heavily in parts of Camden Borough that drains were unable to cope and some sewers overflowed into streets and buildings. Homes in Camden, Belsize Park, South Hampstead and West Hampstead were flooded. Were you affected? Might your home be at risk if it happened again?

A researcher from the University of Middlesex is trying to find out how people respond to the risk of flood. What can we do to reduce the potential damage to our property and health, and why are some of us more likely than others to take these steps?

The research will be entirely confidential and involves a small thank-you gift of £20 per person. For details of how to get involved, see the attached flyer or contact the Camden Federation of Private Tenants office, leaving your name and contact details.

**You have an opportunity to save lives. Could you live with yourself if you didn't? The London Fire Brigade supplies and installs smoke alarms in your borough. These are free of charge for older people where needed. If you or someone you know needs a smoke alarm, call us free on: 08000 28 44 28**

or email us at: [smokealarms@london-fire.gov.uk](mailto:smokealarms@london-fire.gov.uk)



## Camden Housing Advice Service

**Free, expert advice for private tenants, leaseholders and people seeking accommodation. You can phone us, come in or email us.**

### Housing Advice Centre

North team  
179 West End Lane,  
NW6 2LH  
**Tel:** 7974 8855  
[hacnorth.housing@camden.gov.uk](mailto:hacnorth.housing@camden.gov.uk)

### Opening hours

Mon, Thurs, Fri:  
9.30 – 4pm  
Tues:  
9.30 – 1pm; 4 – 7pm  
Wed: Closed

### Housing Advice Centre

South team  
Bidborough House, 20 Mabledon Place, WC1H 9BF  
**Tel:** 7974 5801  
[hacsouth.housing@camden.gov.uk](mailto:hacsouth.housing@camden.gov.uk)

### Opening hours

Mon, Tues, Thurs: *Fri:* 9.30 – 3pm  
Tues: 4 – 6 by appointment  
Wed am: Somali speakers only



# Rent Regulation in New York City A source for comparison

Jaimie Rogers, a gap year student volunteer from New York, illustrates the sometimes remarkable similarities between renting in New York and London.

The problems of housing and tenancy affect people in every major city. While each city must face overcrowding and high rents, they each develop different policies and methods for confronting those problems. This article details the rent and tenancy policies of New York City to illustrate how another metropolis confronted these issues. In New York there are two kinds of regulated rent: rent control and rent stabilization.

Rent control was conceived shortly after World War II to give low and middle income families the ability to afford housing within the city limits. With the return of hundreds of thousands of soldiers from Europe and Japan, New York, along with many other American cities, faced a housing crisis unprecedented in history. As more families migrated to the area, the supply of housing dwindled and rents skyrocketed. To stop this trend the New York State legislature passed the Emergency Rent Control Law in 1946.

Like regulated tenancies here, this law put caps on allowable rents and mandated that rents would be reassessed only every two years. The process was monitored by the New York State Division of Housing and Community Renewal. Rents could be raised up to 7.5% each period based on a figure called the Maximum Base Rent (MBR). This could only be done under the condition that the landlords had provided essential services and maintenance.

The law also made it impossible for landlords to evict tenants based on non-legal grounds. This protected elderly and low-income tenants from losing their homes. Finally any apartments put under rent control

could remain under the scheme in perpetuity as long as the apartment was given to another member of the tenant's family when the original tenant had passed away. This could only be done if that the successor, a direct relation by blood or marriage, claimed permanent residence in the apartment for two years prior to the death of the tenant.

Legislators had intended for rent control to end once enough housing stock had been built to meet the demand. That has yet to happen. Nearly sixty-years later the city has not yet declared an end to the "post-war rental housing emergency." This means that any apartments still owned by the original occupant or successor are still controlled and rents are much lower than the market value. According to the New York City Rent Guidelines Board, there are still 50,000 controlled units in the city.

The other type of rent regulation is rent stabilization. This applies to all apartments of six or more units built between 1947 and 1974. Rent stabilization, like rent control, limits the amount a landlord can increase rent per year. It also protects tenants from unjust eviction, but unlike rent control, rent stabilization is not based on succession but on the property itself. Thus older apartments will remain rent stabilized indefinitely.

The New York system, as in the UK, was originally designed to protect low-income families from escalating rent increases and unfair eviction. But it has also allowed many wealthy residents of the city to pay drastically reduced rents in affluent neighborhoods. For instance Edward Koch, a former mayor of the city, kept a rent-controlled apartment in the Greenwich Village district of lower Manhattan for \$300 (\$160) per month while he was in office. Critics of the system also claimed that rent control perpetuates economic and racial segregation and in recent years they have tried to reduce rent regulation.

In 1997 and 2003 laws were passed in New York City to prevent such

seeming abuse of rent regulation. Now all apartments worth over \$2000 per month (\$1060) and apartments rented by families making more than \$175,000 per year (\$88,000) are immediately taken off rent stabilization. Along with this, many public housing apartments, called Mitchell-Lama houses, are being sold by the city to private contractors who will have the right to charge market prices. The equations for calculating stabilized rent increases were also adjusted, allowing landlords to increase rents by as much as 20% over a one or two year period.

These new laws have sparked anger from many residents who rely on rent regulation to sustain themselves. In a letter to the New York Times a woman from the borough of Brooklyn lashed out at the exorbitant increases saying, "Here's a modest proposal to solve the problem [of rent control] once and for all: Call in exterminators to poison the lot of us. People with the gall to keep breathing, under the delusion that we are human beings, not vermin, should be killed off efficiently."

To help New York's tenants Michael Bloomberg, the city's mayor, has advocated for a Tenant Empowerment Act. The Act will allow tenants to collectively buy their buildings before they go on the market. This will enable them to make democratic decisions on allocation of funds and rent increases.

New York and London face very different geographic constraints, but the plights their citizens face in the housing market are strikingly similar. I believe it is important when advocating reforms in housing policy to analyze a myriad of systems and alternatives. Only then may tenants reach a peaceable coexistence with landlords and the city.

Thanks to Jamie Rogers for this article.

# Talking of New York

## A case of déjà vu?

A New York landlord who was convicted in December of attempted murder and conspiracy is facing a possible life sentence.

In a case eerily similar to Nicholas van Hoogstraten's involving a business rival's death, Juan Basagoitia was found to have hired hit men to kill two of his tenants.

The two assailants, David Robles and Danny Machuca – also tenants of Basagoitia living in the same Queen's apartment block- had already been tried and convicted for attempted murder after breaking into the Lavery brothers' flat and attacking them with knives.

William and David Lavery were Rent-controlled tenants who were paying \$400 a month. Basagoitia was believed to have wanted the protected tenants out to capitalise on a market rent of up to \$1,500, and hired Robles and Machuca to 'remove' the Laverys for just \$2,500. The resulting attack was so brutal that although not fatal, left the brothers disfigured for life.

Robles was sentenced to 40 years for his part in the assault while Machuca pleaded guilty to attempted murder in exchange for an eight year sentence.

Basagoita's defense lawyer, in a plea reminiscent of Hoogstraten's, argued that Basagoitia had only paid the hit men to scare the tenants out, having no idea that they may try to kill the Lavery's.

The jury were having none of it however, and after just a six-hour deliberation decided that Basagoitia was guilty of first-degree attempted murder and assault, conspiracy and burglary.

David and William Lavery are suing all three of the defendants hoping one day to own the building in which their parents had lived since the 1960s.

# Forfeiture actions increase

*Peter Haler, chief executive of LEASE, speaking on Radio 4's You and Yours, confirmed that there has been a sharp increase in the number of forfeiture actions against leaseholders. Many of the recent actions are not related to monetary claims, but other alleged breaches of covenant. A lease is the only contract in English law that allows one party (the landlord) to obtain from another party (the leaseholder) far more in compensation than the debt alleged to be due or the damage alleged to be done.*

Not all forfeiture actions succeed. The court of appeal recently heard the case of 'Courtney Lodge Managements Ltd v Blake and others'. A leaseholder had sublet his flat, but had failed to insert a "nuisance" clause into the sublease, similar to the one in his own lease. The leaseholder's tenants caused a continuing nuisance to their neighbours. However, the landlord's forfeiture action against the leaseholder failed not because of this failure to insert the "nuisance" clause, but because the landlord had given him insufficient time in which to remedy the breach of covenant.

In addition to landlords using forfeiture actions to make a quick killing, there are others who use this procedure in order to avoid creditors. There are a growing number of examples where the landlord owns a flat in the building through another entity that has built up substantial debts.

That flat is then forfeited on spurious grounds. The result is that the landlord keeps the flat, while the creditors of the entity that previously owned the flat are left high and dry.

**Taken with kind permission from The Leaseholder (Autumn 2004 Issue 13)**

Visit the CARL (Campaign for the Abolition of Residential Leasehold) website at [www.carl.org.uk/](http://www.carl.org.uk/) <<http://www.carl.org.uk/>>

At the beginning of December 2004 since the publication of this article, Housing Minister Keith Hill announced that new measures to protect Leaseholders against 'trivial' debts would be introduced in February 2005. The new proposals will force landlords to satisfy a valuation tribunal and prove a breach of contract before starting official proceedings on forfeiture. The measures will also give leaseholders rights over which building insurer to use to provide cover for their homes rather than having this imposed by the freeholder, as well as require that landlords follow specific procedures before imposing penalties for late payment of ground rent. The new limit however, of £350 owing before landlords can bring forfeiture action, will prove still far too low for the satisfaction of leaseholders. Shula Rich, spokesperson for the Leasehold Enfranchisement Association, welcomed the proposals describing them as 'the first chip at the leasehold system' that would hopefully lead to getting rid of forfeiture and leasehold itself.



## WARMTH for ALL

Making warmth affordable for everyone in Camden  
freephone 0800 801738

**Camden's Warmth for All Partnership has teamed up with the Office of Gas and Electricity Markets (Ofgem) and Energywatch to produce a booklet about changing fuel supplier.**

Many people worry about not being able to afford to keep their homes as warm as they would like over the winter months. Many go cold rather than using their heating.

One of the easiest ways of keeping fuel bills down is to change your gas and electricity company. This enables you to save money on your fuel bills and keep warm at

the same time.

Changing the companies that provide you with gas and electricity can save you up to £100 a year. **And it has never been easier...**

### All you have to do is:

1. Work out how much you spend on gas and electricity by either:
  - Looking at your recent bills
  - Thinking about how much you spend each week, month or year
2. Call Camden's **Warmth for All helpline** on freephone **0800 801738** to find out the cheapest gas and electricity

**Save money by changing your fuel supplier**

suppliers in your area.

**Camden's Warmth for All helpline can also advise on...**

- Whether you are eligible for help with the cost of heating and insulation measures
  - No-cost and low-cost energy saving tips
  - How to keep your home free from damp and condensation
- ... and can arrange a check to see whether you are receiving your full benefit entitlements.**

**Call free on  
0800 801738**

## Community Safety in Camden –

### Student safety

Camden is home to numerous universities and colleges whilst housing many students and boasts some of the liveliest nightspots in the capital. And although crime figures are falling, at current trends, one in three students will become victims of crime while at college or university. Students are often seen as easy targets by criminals – often away from home for the first time, living in shared private accommodation, and increasingly carrying valuable mobiles, laptops and other equipment.

There are many ways though, of making sure you don't become a crime statistic. The following crime prevention and safety measures are designed to protect students and other young people from falling foul of the criminals.

### Going out

- The majority of attacks involve looking lost, taking short cuts in the early hours or walking home alone. So make sure you know where you're going and how you are going to get there and back. Share a taxi or walk together.
- Think about getting a personal alarm – they are available at DIY stores or contact your welfare officer to see if there are any freebies you can access. Remember, personal alarms don't give you invincibility – use them as a back up to sensible safety precaution.
- Keep a bit of money in a separate pocket in case you need to get a taxi home. Many campuses run safety programmes, this can include night buses or even link up with a local taxi firm, check out whether yours does. REMEMBER – only ever used licensed (preferably black cab) taxis, if in doubt – DON'T GET IN.
- Half of all burglaries happen because someone left a window or door open! Lock up, even if you are only popping to the kitchen or bathroom, and never leave easily lifted items such as laptops or mobiles near open windows.

- Make sure your TV, video or other valuables cannot be seen from the windows.
- Let someone know you are going out and ring a flat mate if you are staying out.

### Out and about

Women feel most in danger when walking down a street; however, it is men who are most in danger of mugging. Either way, don't be an easy target:

1. Keep bags closed, zipped up or buckled, and if someone grabs it, let it go – a bag, and its contents, can always be replaced.
2. Don't be flash with your cash (keep it in your pocket), or your laptop (keep it in an anonymous bag like a rucksack).
3. If you think you may be being followed, cross over the road, if still in doubt, don't hang about. Go into a pub or shop, or call the police.
4. Be ready with your house keys when you reach your door.
5. Steer clear of confrontation; it's really not worth it.
6. Walk confidently and be aware of what is happening around you.
7. If something does happen to you, report it to the police and campus

## Conference report special – Resolving housing disputes project

Presented by Helen Carr

The Law Commission is carrying out this project with a view to developing a consultation paper and a final report.

There has been criticism for some time about how housing disputes are resolved in the UK, and calls for specialist housing courts or tribunals to be set up date back to over 25 years. However, the project needs to be seen in the current context of wider policy developments that will shape the future of the civil justice system. Such as the Administration Justice White Paper – Transforming public services: Complaints, Redress and Tribunals 2004, and the current piloted Community Justice Centre in Liverpool which deals with anti-social behaviour cases.

The terms of reference are to 'review the law and procedure relating to the resolution of housing disputes, and how in practice they serve landlords, tenants and other users, and to make such recommendations for reform as are necessary to secure a simple, effective fair system'.

The Law Commission are keen to consult private tenants on this to effectively inform the final proposals and CFPT will be inviting Helen Carr and her colleagues back to our next conference.

## Harassment of older private tenants

Presented by Joe Oldman, Policy Officer Help the Aged

Help the Aged carried out a major piece of research in the light of growing reports to their offices of harassment of older private tenants by their landlords. This research concluded with a number of recommendations that included:

- the need for a secure from of private sector tenancy for older people,
- the need for regulation of the private rented sector
- improved access to legal remedies
- an obligation on Local Authorities to provide a tenancy relations service
- funding for specialist advice agencies
- training and education for police and other service providers
- the need for agencies to keep age-related records

Those attending the workshop highlighted some further issues

- Smaller landlords are often the problem
- There is a desperate need for more (local) housing advice services
- Access is needed for affordable legal advice from experts in their field
- Tenants forums need to be established to allow people to air their grievances and seek advice

Most importantly perhaps was the belief that the definition of harassment should be tightened, as at

present tenants feel that their landlords can do anything short of physical harassment.

Joe Oldman from Help the Aged was amazed at the level of harassment as experienced by some of those attending the workshop, and how widespread the problem was amongst regulated tenants; CFPT will continue to work with Help the Aged on this issue.

There were further presentations made by John Swinnerton, London Area Manager of the Rent Service on the role of the Rent Service and the rent cap, and also by Jacky Peacock, Manager of BPTRG on the Licensing provisions in the Housing Bill.

For a full delegates pack, please contact the office, details on back page.

## Federacja Prywatnych Lokatorów w Camden (CFPT)

CFPT prowadzona jest dla – i przez – prywatnych lokatorów. Zajmujemy się wszystkimi rodzajami spraw dotyczącymi lokatorów, informując i wskazując pomoc, wywierając nacisk na władze ustawodawcze oraz prowadząc kampanie na szczeblu lokalnym i krajowym.

Prowadzimy ścisłą współpracę z innymi grupami, jak na przykład Shelter (tzn. Schronisko); szereg zagadnień rozpatryliśmy wspólnie z władzami ustawodawczymi.

Jeśli chcesz się zaangażować w pracę CFPT, skontaktuj się z nami. Jeśli chciałbyś dowiedzieć się więcej o naszej działalności, daj nam znać.

Z zadowoleniem przyjmujemy listy, zapytania, komentarze and sugestie. Możesz zostać członkiem lub prenumeratorem. W ten sposób nazwisko.

Twoje zostanie umieszczone na naszej liście i dostawać będziesz powiadomienia o naszych zebraniach, wydarzeniach, specjalnych reportażach itd – oraz nasz biuletyn informacyjny. Wszystko to za 7.50 funtów rocznie.

Potrzebujemy też wolontariuszy do pracy nad naszym biuletynem, do wnoszenia wkładu do konsultacji i pracy nad naszą strategią, aby być obecnym od czasu do czasu na rozprawach sądowych jak również aby nas reprezentować na spotkaniach komitetów i z innymi organizacjami.

**Prosimy skontaktować się z nami:**

11-17 The Marr,  
Camden Street,  
London NW1 0HE  
Tel: 020 7383 0151  
Email: camfpt@lineone.net

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## Camden Federation of Private Tenants

needs you

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying

Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government Departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £7.50 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

**Please contact us at:**

11-17 The Marr,  
Camden Street, London NW1 0HE  
Tel: 020 7383 0151  
e-mail: camfpt@lineone.net

This Mark means that we offer a Quality Assured Information Service.

**Community  
Legal Service**



Camden Federation of Private Tenants is registered under the Industrial and Provident Societies Act as The Camden Federation for Private Tenants Limited Registered No: 25086R

## Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name \_\_\_\_\_

Address \_\_\_\_\_

Tel no. \_\_\_\_\_

Email \_\_\_\_\_

**1** I enclose £1 for membership plus £6.50 subscription fee\*

**2** I would like to donate £ \_\_\_\_\_ **3** Total enclosed \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*We can waive the application fee in cases of hardship, please contact the office in complete confidence.

**Please fill in your details and send with payment to:**

Camden Federation of Private Tenants  
FREEPOST LON12470  
London  
NW1 2YW

**I am an/a: (please tick)**

- Regulated Tenant
- Assured Tenant
- Assured Shorthold Tenant
- Other