STATES OF JERSEY



THE REFORM OF SOCIAL HOUSING (P.33/2013): SECOND AMENDMENT

Lodged au Greffe on 16th April 2013 by Deputy G.P. Southern of St. Helier

STATES GREFFE

PAGE 2, PARAGRAPH (a)(iii) -

For paragraph (a)(iii) substitute the following paragraph –

"(iii) a rent policy of returning rents to a maximum of 82% of private sector rent levels, with the annual financial return by the new Company to the States being capped beyond 2015 at the 2015 level".

DEPUTY G.P. SOUTHERN OF ST. HELIER

REPORT

The Housing Transformation Plan, which is a response to the Review of Housing conducted by Professor Whitehead in 2009, sets out to achieve a number of apparently laudable aims, namely –

- 1. That a new Strategic Housing Unit be established to co-ordinate a long-term housing strategy.
- 2. That a new Social Housing Regulator is established to ensure that tenants' best interests are protected and that public investment in social housing delivers optimal value for money.
- 3. That a new, not-for-profit, wholly States-owned Housing Company is established to improve the States-owned social housing stock and with the financial capacity to develop new social housing when required on a sustainable basis.
- 4. That social housing rents are returned to near market fair rent levels to ensure that tenants who can afford to do so, pay a fair rent.

This amendment is only concerned with the proposals which address the setting of rent levels and the business model proposed. The figure of 82% of private sector rent levels is chosen because it is the level to which the current "fair rents" is currently funded.

What is social housing?

I take my definition from Shelter UK.

Social housing is housing that is let at low rents and on a secure basis to people in housing need. It is generally provided by councils and not-for-profit organizations such as housing associations.

A key function of social housing is to provide accommodation that is **affordable** to people on low incomes. Rents in the social housing sector are kept low through state subsidy. The social housing sector is currently governed by a strictly defined system of rent control to ensure that rents are kept affordable.

In a relatively recent decision, local authorities and other social housing providers have been required to move to "affordable" housing provision, following a reduction in central government grants.

What's the difference between social rent and affordable rent?

Market rent is the rent that private landlords charge in an area. Social rent is set at **between 40% and 60% of market rent levels** and residents have a lifetime tenancy. That means they can stay in their home for as long as they want, providing they don't break the terms of their tenancy agreement, which could lead to them being evicted.

Affordable rent is set according to market conditions – **up to 80% of market rent levels**. Most new residents will also have a fixed-term tenancy, usually for 5 years. In

most cases it will be renewed. All residents in sheltered and supported homes will still have lifetime tenancies.

UK Social rent levels

By way of illustrating the range of rent levels in the changing UK market, I reproduce here weekly rents from UK providers for comparison with Jersey (Jersey rents in brackets).

Notting Hill: Housing has introduced caps that are fixed below the 80% level to make sure that residents can afford them –

- One-bedroom homes $\pounds 220 (\pounds 162 \pounds 183)$
- Two-bedroom homes $\pounds 225 (\pounds 203 \pounds 240)$
- Newly built three-bedroom or larger homes $\pounds 230 (\pounds 231 \pounds 267)$.

Lambeth: The planning committee... approved the plans from Barratts Homes to change the provision of 48 homes at their Coldharbour Lane development from "social" housing provision to "affordable". The change means that the flats will cost Lambeth's poorest residents about 20% more. Under the changes, a four-bedroom flat will go from £166.39 to £202.70 per week (Jersey £245) and a two-bedroom from £149.74 to £192.88 (Jersey £203).

Cambridge: A government proposal that new social housing tenants should pay 80% of market rents in Cambridge has been condemned by the city council. Currently the city's council tenants pay 40% of the market rent, while its social housing tenants pay 60%. "80% of a market rent for a two-bedroom house is over £700 (Jersey £960) a month," said John Marais, who represents council tenants.

Basingstoke: Social housing might not be as affordable for you as it used to be as rents are likely to increase – for example –

- affordable rent on a three-bedroomed house £165 per week the social rent would be £110 (Jersey £267.05) per week
- affordable rent on a two-bedroomed house is £128 per week the social rent is £85 (Jersey £239.40) per week.

It is worth noting that in most cases rents (including those in London) are set significantly below the levels of rents in Jersey.

In moving from social rent levels to "affordable" rents, the UK government has set a cap of 80% of local private market rents. This level is designed to meet 2 criteria –

- 1. to be affordable to tenants, and
- 2. to be financially sustainable.

One has to ask why the Minister, given Jersey's high rent levels, is proposing a cap of 90% of market rents. If the UK authorities can produce sustainable provision of rental housing at 80%, then Jersey should surely be able to come up with a model that delivers at those rates.

As is demonstrated below, the inability of the Housing Transformation Plan to match the level of the cap in the UK, and the need for rent levels as high as 90% of the market, can largely be put down to failure of the Minister to address the issue identified by Professor Whitehead as the central flaw in the provision of social rental housing – the return of significant sums to the Treasury.

The prime task of the Minister for Housing, as set out in the Strategic Plan 2012, is to ensure that "All island residents are housed adequately." In adopting this aim, the minister has accepted that "The provision of housing is a major challenge for the island in the face of increased demand."

The growing demand for social rented housing in particular is reflected, not only in the 2013 - 2015 Housing Needs Survey, but also in the increase in the Housing Gateway waiting lists recently. It is somewhat surprising then to discover that the Housing Transformation Plan (HTP), which contains projections for the next 30 years, fails to give any space to discussion of population and immigration levels that will have a direct impact on demand for housing over this period. The absence of any attempt to make proper use of the extensive population modelling produced by the Statistics Unit in the HTP to discuss potential demand is lamentable. This was noted by the Scrutiny Sub-Panel in its key findings (S.R.6/2013) –

"The present reforms are not sufficient to make any meaningful contribution to the future provision of affordable and social housing. The demand for social housing has increased in recent years, yet the proposals do not explicitly state how this need can be met by the proposed Housing Company or any other Social Housing Provider." Section 9

Apart from this failure to produce any realistic projections of housing demand and the means to meet potential need, the content of P.33/2013, The Reform of Social Housing, and R.15/2013, States of Jersey Housing Transformation Programme: Full Business Case, contains 2 interlinked and fundamental flaws, namely –

- the failure to address the historic requirement to fund rental subsidy schemes, which in turn results in
 - the inability to produce a sustainable business plan for affordable housing at a rate less than 90% of market rents.

Rental subsidies

Prior to the introduction of the Income Support System in 2008, the Housing Department was responsible for administering rent rebate and rent abatement to tenants on low incomes. When the Income Support System was brought in, in January 2008, the Housing Department which operated the Rent Abatement and Rebate schemes subsequently had the budget (and cost) for them transferred to Social Security.

This amounted to £24 million, turning the Housing Department into a net income budget which was effectively then "redirected" through the Consolidated Fund to Social Security to part-fund the cost of Income Support. The Treasury maintains that, as a result of these changes, the direct link between the Housing element of support and funding has been broken (i.e. there is no explicit link between the amount of money paid to States' tenants for housing costs through Income Support and the payment made from the Department to the Treasury). Nonetheless, many still regard the "return to Treasury" as funding the Income Support rental component. The inexorable growth of rent abatement and private sector rebate is illustrated here in Table A.

Year	States abatement £, m	Private rebate £, m	Total subsidy £, m	Year	States abatement £, m	Private rebate £, m	Total subsidy £, m
1991	7.1	1.3	8.4	2002	15.3	6.5	21.8
1992	9.0	2.5	11.5	2003	16.3	7.4	23.7
1993	10.0	2.1	12.1	2004	16.2	8.1	24.3
1994	10.5	3.4	13.9	2005	16.1	8.5	24.6
1995	10.5	4.2	14.7	2006	15.2	8.5	23.7
1996	10.8	5.2	16.0	2007	14.8	9.1	23.9
1997	11.2	5.3	16.5	2008			
1998	11.8	5.1	16.9	2009			22.7
1999	12.3	5.2	17.5	2010			24.1
2000	13.3	5.5	18.8	2011	13.7	10.7	24.4
2001	13.9	6.0	19.9	2012			

 Table A: Growth of rental subsidies 1991 – 2011

Data extracted from States Financial Reports and Accounts

Many thought that the Housing Transformation Plan presented the opportunity to address the growing expenditure on housing subsidies, which form a significant part of the total Income Support bill, as can be seen below in Table B.

As is demonstrated below in this report, not only has this opportunity been ignored, but the measures proposed by the Minister in his plan significantly increase the level of rental subsidies needed to protect social rental tenants from hardship.

Table B: Income Support: rental components

Component	States Housing	Trust	Private/Other	Total
Adult	£9,935,000	£2,024,000	£9,751,000	£21,710,000
Single Parent	£1,014,000	£256,000	£543,000	£1,813,000
Child	£3,650,000	£929,000	£1,749,000	£6,328,000
Household	£4,192,000	£831,000	£2,662,000	£7,685,000
Rental	£13,719,000	£3,101,000	£7,605,000	£24,425,000
Other	£2,267,000	£381,000	£2,331,000	£4,979,000
Total	£34,777,000	£7,522,000	£24,641,000	£66,940,000

The problem with the maintenance of the "Return to Treasury" policy is demonstrated by the figures given in the HTP Financial Business Case presented on page 45 of the report attached to P.33/2013, produced here as Table C.

Income Statement				Years			
	1-5	6-10	11-15	16-20	21-25	26-30	Total
	£m	£m	£m	£m	£m	£m	£m
Rental income	240	340	430	530	655	812	3,007
Expenditure including depreciation	-183	-188	-221	-255	-335	-390	1,572
Net profit before finance costs	57	152	209	275	320	422	1,435
Interest on borrowing	-20	-46	-30	-6	_	_	-102
Profit after finance costs	37	106	179	269	320	422	1,333
Depreciation charge included in the above	89	116	129	142	157	175	808
Profit excluding depreciation charge	126	222	308	411	477	597	2,141
Return to States of Jersey	-153	-182	-216	-256	-304	-361	-1,472
Net profit excluding depreciation charge	-27	40	92	155	173	236	669

Table C: Financial Business Case: Summary

This table demonstrates why the model proposed is not viable, let alone sustainable. The "return to States of Jersey", at \pounds 1,472 million, amounts to almost half of the \pounds 3,000 million rental income of the housing company over the 30 years presented.

P.33/2013 presents several of the key points made by Professor Whitehead in her review of Social Housing in 2009. I highlight here just one of these -

• "the current balance of income and expenditure is only met by running down the condition of the(States housing) stock";

The viability of housing finance was further explored by Professor Whitehead thus -

"2.12. Professor Whitehead considered that the Property Plan was a response to the constraints of a situation created by the combination of the policy of only funding investment from revenue, rather than from borrowing, and the requirement for the Housing Department to make a significant annual return to the Treasury which left insufficient revenue to address the annual repair needs of the stock [my emphasis]."

The Housing Department budget

"The vast majority of Housing Department income comes from tenants' rents. Gross rent income in 2008 was £33m. The annual expenditure on the running costs of managing and maintaining the housing stock are £11m. As a result, there is a substantial surplus of gross rents over costs of £22m. This is paid into the States' central budget.

The States have recognised that annual expenditure of £11m. is insufficient to ensure the adequate repair and modernisation of the States' housing stock, and this has resulted in the backlog identified in the Property Plan."

This backlog was estimated at £75 million in 2006, but has been reduced by several fiscal stimulus projects to around £48 million today. The chronic shortfall is described as £2.5 million for responsive repairs and £5 million for planned maintenance and improvements annually. The mechanisms available to meet this shortfall are –

- Reduced payment to the centre
- Rent increases
- Sales of properties
- Borrowing.

It is notable that the proposals brought forward by the Minister for Housing pay no attention to the first of these 4 solutions, and yet the leakage of £26 million (and rising) from the Housing Department's rental income has surely been a fundamental block to the creation of a viable and sustainable plan for housing in the past, and remains so now.

The income and expenditure figures, along with the contribution of Income Support, are illustrated in Figure A.15 of the Whitehead report as follows –

Rent income and the Housing Department budget

"In 2007, the Housing Department expended a total of some £32.3 million, of which some £10.3m was spent on the management and maintenance of the housing stock. The balance, a surplus of some £24.3m, was transferred to the States Treasury.

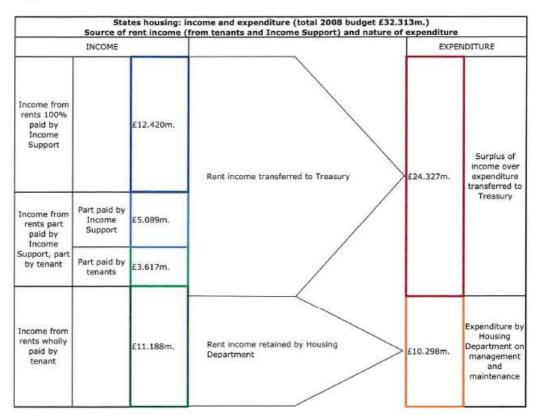
Figure A.15 clarifies where the income came from, and what it was spent on.

The Figure shows that of the total income from rents of £32.3m, some £17.5m came from Income Support, and some £14.8m was collected from tenants.

The total payment of Income Support to tenants, of $\pounds 17.5m$, was less than the surplus of income over expenditure on managing or maintaining the housing stock that was transferred to the States Treasury. Therefore, there was no net contribution by the taxpayer to the cost of Income Support for States tenants.

In addition, the equivalent of some £4.5m, collected directly from tenants, also contributed towards the surplus of income over expenditure on managing or maintaining the housing stock, and was transferred to the States Treasury."

Figure A.15



This essential problem with the financing of the Housing Department's capacity to deliver housing and to enable a proper maintenance regime is at the heart of historic failings in housing. It forms a major part of Professor Whitehead's report. This issue has been ignored in the proposed HTP.

The figures which enable us to examine the financing of the HTP in detail are given in Appendices 1 - 3 of this report.

Return to Treasury

The growth of the return to the Treasury as proposed by the Minister is shown in Appendix 1. This effectively reduces the income of the new housing body by almost 50%. Unsurprisingly, we are told that such a reduction in income results in the need to raise rents to 90% of private market rents to make the business model viable. Appendix 3 shows that maintaining the return to the Treasury in a repayment schedule at 80% of market rents requiring 28 years to be repaid, whilst at 90% the repayment period is reduced to a much more manageable16 years.

If, however, we allow the Housing Company to retain more of its rental income by capping the return to Treasury at the level contained in the MTFP for 2015, that is, $\pounds 29.4$ million, then the cumulative income generated over the 30 year period of the plan amounts to nearly $\pounds 600$ million additional revenue. This would appear to make the business plan viable, with a rent set of 80% of market rents, as shown here in Table D –

Year	2018	2023	2028	2033	2038	2043	Total
Indexed return £,m	153	182	216	256	304	361	1,475
Capped return £,m	147	147	147	147	147	147	882
Additional revenue to HTP £,m	6	35	69	109	157	214	593

 Table D: Impact of capping "return to Treasury"

The overall impact of these changes on the business plan and the borrowing required can be estimated from the figures presented for rents in Appendix 2, and summarised here -

Year	2018	2023	2028	2033	2038	2043	Total
Total rent @ 90% £,m	240	340	429	529	654	812	3,004
Total rent @ 82% £,m	218	310	391	482	596	740	2,737
Additional revenue £,m	6	35	69	109	157	214	593
New Total	220	338	451	580	739	937	3,330

Income Support

We now come to examine the impact of the new rental policy on Income Support. The proposed rise of States social rents from its current average of 69% to 90% of market rents will have 2 significant impacts. One will be on the 67% of tenants claiming the rental component of Income Support, which will require additional funding from taxation; the other will be on the one third of tenants who do not currently claim Income Support.

The figures for the impact on Social Security funding given on page 52 of the report are reassuringly small, growing by a mere $\pounds 2$ million (15%) from $\pounds 13.7$ million over the 30 years of the Plan. One has to examine these figures carefully.

The figures are presented in "real terms" with inflation stripped out. The relatively slow accumulation is presumably due to the mitigation put in place for all tenants that only new tenancies (at a rate currently of 7% annually) will be charged at the full 90% rate. Other changes, such as new builds coming of line or demolitions will cause further variations. However, all other rents, including those in the private sector, are subject to inflation at RPI (3.5%) + 0.75%, or 4.25% in total.

To compare real terms figures with those in the business plan which do contain inflation is to compare apples with pears. It is meaningless. The reality is vastly different. The effect of increasing rents on existing tenancies by inflation + 0.75% (4.25%) is shown in columns 2 and 3 of the Table in Appendix 2. This shows an increase of rental income over the first 10 years of £19.5 million. This 50% increase will result in a near doubling of Income support to £26 million.

If one includes all measures in the plan (taken from the Total Rental Income in Appendix 2) –

- Increase on existing tenancies
- Re-lets
- New builds
- Uplift on refurbishments
- Less sales, decants, voids and demolished properties,

then this produces a very different picture. The actual projected additional rent is given in Table E here. The additional rent generated amounts to ± 35.2 million. This, in turn, will add ± 26.3 million to the Income Support bill over the 10 year period.

Year	Operating year	Additional rent (real terms) £,m	Additional IS (real terms) £,m	Actual additional rent £,m	Actual additional IS £,m
Starting point 2013	Rent base £40m				Based on 67% coverage
2014	1	0.5	0.3	1.4	0.9
2015	2	1.1	0.7	4.4	2.9
2016	3	1.1	0.7	7.5	5.0
2017	4	1.5	1.0	10.8	7.2
2018	5	1.6	1.1	15.6	10.4
2019	6	1.9	1.3	20.2	13.5
2020	7	2.2	1.5	23.8	15.9
2021	8	2.2	1.5	28.5	19.1
2022	9	2.2	1.5	31.8	21.3
2023	10	2.4	1.6	35.2	23.6

Table E: Impact of new rent policy on Income Support

Financial and manpower statement

There are no manpower consequences. The amendment caps the return to Treasury at the level of £29.4 million annually, enabling an additional £593 million funding over the 30 year period of the Housing Transformation Plan. It requires the Treasury to find funding for rental support schemes by 2016.

APPENDIX 1

Return to Treasury: Growth

Annual 1	eturn to Tr	easury		
		£m	%	£m
2013		26		
2014	1	28	107.90%	
2015	2	30	104.86%	
2016	3	31	103.50%	
2017	4	32	103.50%	
2018	5	33	103.50%	153
2019	6	34	103.50%	
2020	7	35	103.50%	
2021	8	36	103.50%	
2022	9	38	103.50%	
2023	10	39	103.50%	182
2024	11	40	103.50%	
2025	12	42	103.50%	
2026	13	43	103.50%	
2027	14	45	103.50%	
2028	15	46	103.50%	216
2029	16	48	103.50%	
2030	17	49	103.50%	
2031	18	51	103.50%	
2032	19	53	103.50%	
2033	20	55	103.50%	256
2034	21	57	103.50%	
2035	22	59	103.50%	
2036	23	61	103.50%	
2037	24	63	103.50%	
2038	25	65	103.50%	304
2039	26	67	103.50%	
2040	27	70	103.50%	
2041	28	72	103.50%	
2042	29	75	103.50%	
2043	30	77	103.50%	361

Annual return
increases in line with
MTFP requirements
up to 2015.
Thereafter, it
increases by RPI.

Business model assumption is RPI at 3.5% per annum (in line with States of Jersey Statistics Unit central projections).

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Increase on	Demolished Properties Decanted (mostly void			12 12		
Rental income breakdown	Other		Increase on			
				breakdown	lental income	

APPENDIX 2

				0	205 -	4.3.29 -		- 4,12						26	2039
				4,123	1,306 -	23,311 -		- 26,128						Ľ,	2018
				26,128	2,050 -	16,921 -		- 40,999						24	2037
				40,939	2,703 -	15,757 -		54,053						H	2036
				54,053	3,303 +	15,312 +		+ 66,042						12	2035
				66,062	3,234 -	14,444 .		- 76,673						11	20134
				76,673	4,903 -	26,290 +		- 98,060						20	2033
				98,050	5,671 -	21,025 -		- 113,434						19	2032
	26,110 -		- 14,865	333,414	6,325 -	19,421 -		126,510						ä	2031
	25,270 -		- 47,749	126,510	6,876 -	17,882 -		- 137,5 X						IJ	2030
	23,921 -		- 68,257	137,516	7,350 -	16,822 -		- 146,999	<u>.</u>	1,136	23,856 -		- 22,72	16	2029
	25,084 -		- 88,896	146,999	7,871 -	18,285 -		- 157,413	22,721	2,492 -	29,612 -		- 49,841	ts	2028
	22,371 -		- 105,900	157,413	8,250 -	15,852		165,015	49241	3,634 -	26,464 -		. 72,671	14	2027
6,051	21, 208 -		- 121,025	165,015	8,565 -	14,855 -		171,304	72,671	4,540 -	24,772 -		- 92,800	tä	2026
	19,957 -		- 134,220	171,304	8,823 -	13,543 -		- 176,445	97,802	5,524 -	23,203 -		- 110,471	13	2025
	13,820 -		- 145,800	176,445	9,024 -	13,071 -		- 180,492	110,471	6,290 -	23,620 -		- 125,802	Ľ	2024
~	21,789 -		- 159,608	180,492	9,373 -	16,353 -		- 187,471	125802	7,146 -	14,265 -		- 142,921	ij	2023
	16,424 -		- 167,649	187,471	9,470 -	11,401 -		+ 189,405	142,921	7,692 -	18,007 -		+ 153,896	10	2022
8,542	12,179	442	- 170,844 -	189,405	9,364 -	7.672 -	442	- 187,271 -	153,836	- 945'4	14,120 -	442	- 159,538 -	08	1021
	5,27 -	6,131	- 161,943 -	187,271	8,692 -	4,685 -	9,418-	- 173,846 -	159538	7,648 -	5,400 -	4,414	- 152,956 -	7	2020
7,561	5,675 -	8,838	151,220	173,846	7,964	4,298 •	30,872	159,278	157,956	7,213 -	4,997 +	6,493	144,347 -	m	2019
6,481	4,028 -	19,133	129,633 -	159,778	6,733 -	3,644	20,527	134,662	144,247	6,224 -	4,113 +	17,657	124,479 -	un	2018
	2,148 -	34,784	92.378	134,682	4,758 •	1,825 •	36,630	95,129	124,479	4,442 -	2,107 •	39,294	055'88		2017
	2,018 -	41,224	- 50,635 -	95,159	2,596 -	1,813 +	40,555	+ 51,830 -	88,850	2,432 -	1,989 +	30,830	+ 48,577 -		2016
1,094 -	4,308 -	31,972	- 21,877 -	51,820	1,107 -	4,168 -	32,738	- 22,348 -	48,527	1,053 -	4,378 -	169.00	- 21,05 -	2	2015
	п.	21,775	100	22,343		B -	22,040	- 105 -	21055		11 -	156'00	- 108 -	<u>1</u> .	2014
10005	10005	sons	10005	0001		£0005	10005	10003	0001	10001	6000	10005	10005		
Interest	Repaid	Drawn	forward	forward	Interest 5		Drawn	forward	forward	24	G.	Drawn	forward		
			Brought	Camied	2			Brought	pecial				100roso		
and the second sec															

APPENDIX 3

repaid. This would take approximately 2 further years in each of the scenarios above.