



THE LEGAL AND FINANCIAL FRAMEWORK OF AN EFFICIENT PRIVATE RENTAL SECTOR: THE GERMAN EXPERIENCE

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Budapest, MRI Silver Jubilee
3. November 2014

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Why to have a substantial PRS?
What is an “efficient” PRS?
2. Demand for and supply of private rental housing
3. Regulation of the PRS
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Merits of a substantial PRS

- Mobility → allocation of labour force → economic growth
- less accentuated housing cycle and lower volatility of house prices → stability of the financial sector → macro-economic stability
- Competition between tenures: choice, innovation → small “gap” is better
- Efficiency of subsidization? Can social housing and homeownership be subsidized more efficiently?
- Efficiency of investment / management (?) Scale effects
- Less urban sprawl
- Other question: Which structure (mix of tenures) is preferable?

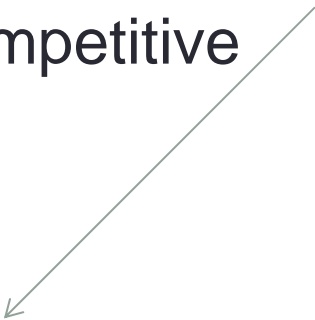
trade-off between mobility and security of tenure: a large PRS accompanied by low mobility of the workforce?

What is an “efficient” PRS?

- An alternative to homeownership
- An alternative to social housing
- in terms of availability, quality and quality differentiation
- Efficiently regulated and subsidized:
The sector must be competitive

Is the tenure mix a policy target or the result of anonymous market forces?

Definition of "efficiency": Given level of tenant protection with minimal impairment of market functions and hence minimal need for compensating subsidies.



A substantial number of households has to decide pro renting and against homeownership (Rent or buy-decision).

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Determinants of the Rent or buy-decision

Mr. Spock's investment calculus

- (Current) relative prices (rents vs. house prices):
Saved rent payments + Maintenance costs / house price * 100 = Homeownership cap rate (static model)
- Relative transaction costs (moving in / moving out)
- Public subsidies (Buying vs. renting)
- Financial conditions (interest, avail. of credit, LTV credit terms → dynamic) → affordability
- Expectations about future prices (rent development, capital gains, interest rates) → Cash flow modelling
- Individual risk exposure: labour market position, interest rate, divorce, ... portfolio mix → individual discount rate

General tenancy risk: influences RRR

Buying should not be too attractive as compared to renting.

Sector has to be attractive for investors as well!

Politically suggestible

- ✦ Security of tenure (!)
- ✦ Product differentiation and availability in the two sectors (size, quality, neighbourhood, central / decentral location, school districts)

- ✦ Income, equity capital (→ past savings): relative to house prices → affordability

- Tastes and preferences (e.g. property ladder, once in a lifetime) → path-dependent?
- Household composition and socio-economic characteristics
- Stage in the family life course (marriage, divorce, separation, aging, health issues)

To square the circle

- PRS must be attractive for investors and tenants (given the alternative of homeownership) as well
- Most potential tenants want a long term perspective
 - dismissal protection and
 - protection against sudden rent increases
- Investors want a reliable, competitive and risk-adequate after tax rate of return on their investment – otherwise they do not invest or transform rental units into condominiums
- Need for balanced regulation and subsidization of the PRS
- Regulation has to be compensated by *sufficient* incentives for new residential development and modernization of the existing housing stock

RRR

→ also incentives to keep the dwellings in the PRS

Supply side

- Incentives for private investors to engage and stay in the rental sector (new development or investment in existing stock)
- Investment calculus: profitability of housing investment as compared with alternative investments


Determinants of the investment decision

- Expected future rent revenues (location, demand and rent regulation)
- Expected future tax payments
- RRR (Required Rate of Return):
 - Return from alternative investments (e.g. government bonds)
 - Risk assessment (absolute and in comparison with alternative investments)
 - inflation experience
- Restrictions on disposal (tenancy laws)

Political
uncertainties



Let us design an adequate
regulatory framework together with
a compensating subsidy system!



Expectation of rising rents:

- More households decide to become homeowners
- More investors decide to build or buy
- Prices for land and existing houses rise

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Legal framework: target system

- General and asymmetric dismissal protection requires some kind of reference rent
 - a necessarily (somewhat) artificial market-oriented rent concept characterized by
 - adequate quality and spatial differentiation
 - no rent-capping effect in the long run
 - only limited degree of market split: fluctuation (mobility!), waste of space
 - minimum delay of the adjustment process of the housing market after a shock event (self-regulating system)
 - market clearance
 - limited retardation dependent on degree of excess demand
 - minimal distortion of investment incentives: some is inevitable
 - minimal distortion of the allocation function of rental prices
 - minimal need of discretionary political interference
- limit the side effects of the drug

"market rent" only for new leases, if at all one cannot refer to those rents; they do not represent the whole market and tend to be higher than rents in ongoing contracts

Freedom of contract environment?

- Why should the parties not agree upon leases with protection against dismissal and rent ceilings if freedom of contract was granted?
- On a tight market, the landlord dictates the terms, e.g. German cities before 1914
- The landlord will require compensation in the form of a higher initial rent.
- Voluntary dismissal protection can not work without a reference rent.

Regulation: outstanding issues

- Construction of the reference rent
 - purely empirical: objective, but hardly feasible
 - purely normative: political football; dysfunctional outcome probable
 - a mixture of empirical and normative elements
- Retardation mechanism
 - Related to reference rent itself:
 - time dimension: update rate, reference period
 - mix of newly agreed, increased and unchanged rents
- No • Outside the reference rent: rent caps with relation to reference rent or contractual rent
- Application range
 - only for existing leases
 - or for both, existing and newly signed leases
 - new leases difficult to monitor, exemptions for newly constructed dwellings and comprehensive modernizations may be required
→ investment incentives
 - Leading and valve function of new leases

Sample range:

- only new leases: not representative
- new and existing leases (if raised): self-referentiality

normative shares to limit influence of fluctuation?

→ If we do not cap rents in ongoing tenancies too much, we can refrain from limiting rents for new leases.

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Subsidization

Application range also dependent on housing need
Do we need a permanent subsidization?
Justification: acts against pressure to convert into condos

- **Application range**

- only investment in new residential real estate
- new investment and modernization
- new investment, modernization, acquisition and holding of existing dwellings (requiring minimum holding periods)

Long term
subsidization
with a wide
application
range

- **Instrumental alternatives**

- Depreciation allowances: “hidden” subsidy, regressive distributional effect if income tax is not flat
- Subsidized loans: may have a desired influence on distribution (less interest expense)
- Investment allowances: to be paid gradually in small portions?

Different instruments are attractive for different groups of investors: Instrumental choice affects the structure of the supply side


Degree of subsidization

- Theory: compensate the present value of the lost rental income - tailored to the project
- We do not / cannot know the market rent!
- Rent controls may be ineffective in low demand regions, hence no losses
- Economic incidence of subsidies, esp. in tight markets
→ housing land prices
- No efficient solution imaginable: considerable deadweight losses inevitable → keep market distortions by regulation on a low level

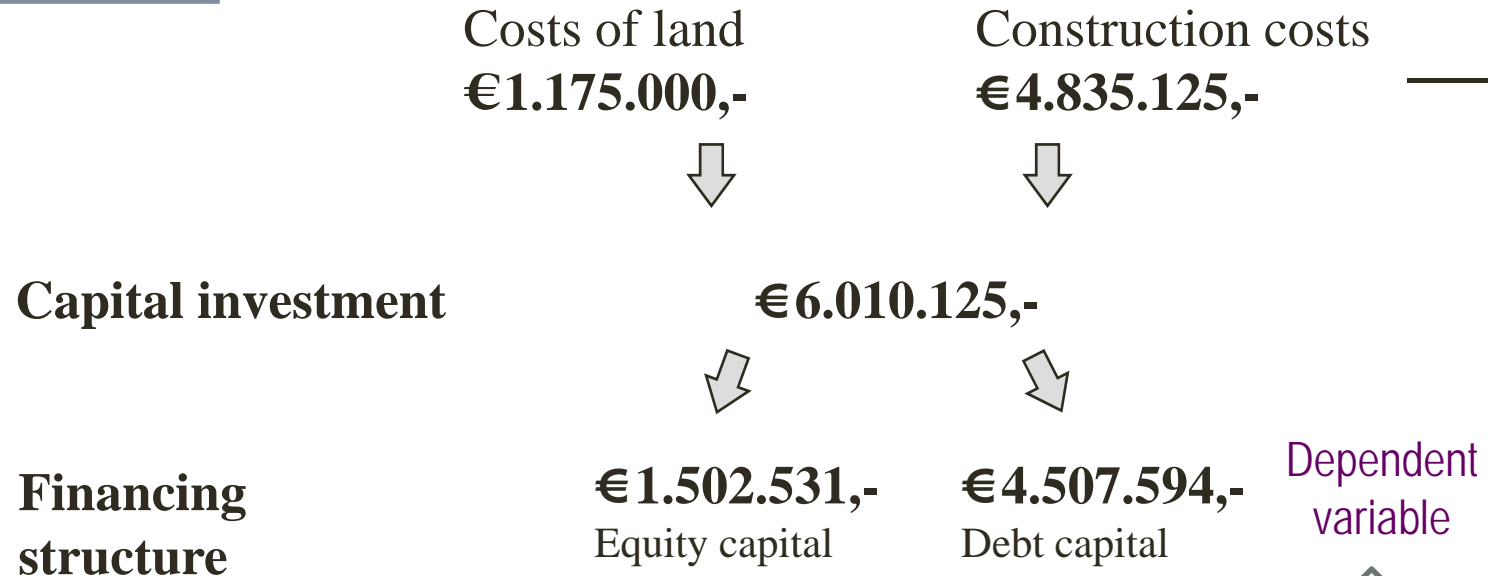
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General recommendations

- limit market interference via regulation (rent controls)
- Because the heavier the market distortion, the more expensive it gets to compensate it (progressive dependence) and the higher the deadweight losses
- Social housing may be more efficient: rent controls and subsidies tailored to the project
- Shall we tailor general subsidies for rental housing (without price ceilings and occupancy obligation) to the project, i.e. dynamic cost recovery rent? 
- In this way, one could allocate the subsidies according to regional needs.

make interest rate dependent on development of contractual rent (= reference rent); initial interest rate as well as current interest yield



*1 Rounding differences:
effective interest
rate is 3,012 %.

| | |
|--------------------|-----------------------|
| € 901.519 * 4,0% | € 2.989.482 * 3,0% *1 |
| + € 601.013 * 6,5% | + € 1.518.112 * 4,5% |
| = € 75.127 | = € 158.360 |

| | |
|-----------------------------|------------|
| Capital costs | € 233.486 |
| Depreciation | + € 48.351 |
| Other operating expenses *2 | + € 39.973 |

| | |
|-----------------------------|-----------------------------------|
| Cost recovery rent per year | = €321.810 = Local Reference Rent |
|-----------------------------|-----------------------------------|

*2 Administration, Maint.,
Loss of rent risk

Dependent variable

1%