

Huntingdonshire Landlords Forum Newsletter

In this issue • Chancellor's Autumn statement • Huntingdonshire Landlords Forum – 14/9/16 • UPDATE Criminal penalties for landlords who do not comply with the Right to Rent Legislation • How to End a Tenancy the Right Way! • A high number of landlords are not up-to-date with recent legislative changes • Rent in Advance Deposit Scheme • Energy Performance Certificates • Prevent Expensive repairs this winter • Improvement notices for category 1 hazards • Useful links • Useful contact numbers • **December 2016 - Issue No 18**

A very warm welcome to the latest edition of Huntingdonshire Landlords Forum Newsletter

You have received a copy because you elected to join the landlords forum. I would encourage you to make use of our services by attending meetings, advertising properties on our web pages and communicating with us regarding issues you would like to be discussed. There is no charge for this, all we ask in return is that you work with us to improve the quality and management of private rented accommodation in the district. Please note however, we cannot take on the management of your property but what we can do is give you accurate and timely information. We can offer advice and support to prevent problems arising, and help you to deal with any problems or situations as they occur in connection to your rented

property.

For more information go to our website or even better come along to our next landlords forum to be held in Huntingdon on 15th March 2017. There you will meet other landlords to discuss issues and listen to presentations. We will always do our best to answer any questions and research information for you which can then be shared with all landlords registered with the forum.

www.huntingdonshire.gov.uk/housing/advice-for-landlords

I look forward to seeing you all next on the 15th March 2017. In the meantime I wish you all a very happy and peaceful Christmas.

The next Landlords Forum will be on **15 March 2017** at **Pathfinder House**

Landlords Forum held 14 September 2016

Landlords expressed an interest in what happens after a tenant is asked to leave a property, especially with regards to families. This was discussed at the last Landlords Forum Meeting held 14/9/16

Homelessness – If a tenant is having difficulties that may lead to their landlord serving notice then they should ask for advice as early as possible to see if anything can be done to resolve those problems. HDC has advisers to try and help resolve landlord/tenant disputes in order to try and prevent homelessness. The council is happy to work with landlords and tenants to try and resolve difficulties that may mean that a tenant is able to successfully manage their tenancy and remain in the property.

Landlords have to follow certain legal procedures before they can evict a tenant – There are strict procedures that a landlord needs to follow if they want a tenant to leave their property, depending on the type of tenancy agreement and the terms of that agreement. If they don't follow the correct procedure, they may be unsuccessful with obtaining a Possession Order through the Courts and at worst may also be guilty of illegally evicting or harassing the tenant.

When a tenant asks for advice from the council they are advised of the legal process that a landlord or agent must go through to regain possession of the property - that a landlord must serve a valid notice, the form of which may vary depending on the type of tenancy agreement and its terms. They are also advised that if the tenant does not leave at the end of the notice period, the landlord must apply to the court for a Possession Order, which gives the right to evict the tenant and take possession of the property. If the court gives a landlord a Possession Order and the tenant still doesn't leave, a landlord must apply for a warrant for possession. This means that the Court bailiffs can evict the person/s from the property. Tenants are not told to stay in the property until the bailiffs remove them from the property, but they are made aware that it is only the bailiffs that can remove them from the property if they have not left before the date of the warrant. The advice that the council gives to tenants is that if a landlord gives them notice and the problems that led to that cannot be resolved, then they should use the time available in the notice period to try and find alternative accommodation.

Duty to provide temporary accommodation – If a tenant is made homeless or threatened with homelessness as

a result of a landlord following the correct possession procedure, and they have not been able to find alternative accommodation, then the council will consider whether it has a duty to provide emergency or longer-term accommodation. These duties are considered as part of the safety net provided for certain households under the terms of the homelessness legislation. The legislation asks the council to consider whether the household is:

- homeless or threatened with homelessness and
- eligible for assistance (considering their immigration status) and
- in priority need and
- not homeless intentionally and
- has a local connection with the district.

If a household meets all of the above criteria then the council will help them find longer-term accommodation and make sure that they have temporary accommodation while we try and do this.

Home-Link – This is the choice based lettings (CBL) scheme for Council and Housing Association properties in the Cambridgeshire area (although HDC is no longer a landlord and so we only have housing association properties in the Huntingdonshire area). The scheme covers all the available council and housing association properties, including housing for older people. On the website there is also information about all the housing options available in the area.

www.home-link.org.uk

The information provided when an applicant applies to Home-Link for housing is used to assess their housing need. Properties that are available for rent are advertised each week on the website. Applicants tell Home-Link which properties they are interested in. This process is known as bidding. You can only bid for a property if an application has been accepted onto the housing register.

When a person comes top of a shortlist for a property that they have bid on (meaning that they have the greatest housing need at that time) then they are offered the tenancy of that property.

Households accepted as homeless, as described in the section above, access longer-term housing by bidding for properties through the Home-Link scheme.

The Chancellor's Autumn Statement 2016

UPDATE Criminal penalties for landlords who do not comply with the Right to Rent Legislation

In our last Landlords Newsletter (June 2016 Issue 17) I provided information about the government's summary checklist to help landlords in terms of the Right to Rent. These checks were introduced in February 2016 via the Immigration Act which requires landlords to verify their tenants' right to rent in the UK before signing the tenancy agreement. Under the current scheme landlords who do not comply are liable to pay a civil penalty of up to £3,000 per illegal migrant tenant, but from the **1st December 2016** new criminal penalties will come into force.

There will be four new criminal offences for landlords who fail to complete the right to rent checks or fail to take steps to remove illegal immigrants including a financial penalty, up to 5 years in prison and further sanctions under the Proceeds of Crime Act.

The new legislation also includes provisions making it easier for landlords to evict tenants where they have no right to rent in the UK, in some cases without the need for a court order. The Minister for Immigration, James Brokenshire stated "We know the vast majority of landlords are diligent in their responsibilities when it comes to their tenants and we want to help them to be able to evict illegal immigrants more easily".

This legislation forms part of a wider crackdown on illegal immigration and will allow for rogue landlords who knowingly rent to tenants without the right to rent in the UK to be punished accordingly.

The government has produced a Residential Tenancies Factsheet which provides further information on these measures which can be found at www.gov.uk.

Lettings agents in England will be banned from charging fees to tenants under plans announced by the Chancellor in his Autumn Statement, to be implemented "as soon as possible".

Tenants can be charged fees for a range of administration services, including reference, credit and immigration checks. Philip Hammond will say that shifting the cost to landlords will save 4.3 million households hundreds of pounds. The move could spur competition as landlords, unlike tenants, can shop around for the cheapest agent. In Scotland, lettings agency fees to tenants have already been banned. In England and Wales since last year, lettings and managing agents have been legally obliged to clearly publicise their fees.

Fees vary widely, with costs in some big cities much higher than elsewhere.

Tenants face charges when agents draw up tenancy agreements along with the possibility of a non-refundable holding deposit paid before signing up to the deal. Charities have said that these primarily upfront fees have risen in recent years.

The latest English Housing Survey shows fees typically cost £223. However, Shelter research in 2012 found that one in seven tenants pays more than £500. The charity said renters had no choice over the agent they dealt with after finding a house or flat. Landlords, on the other hand, were able to choose between agencies to act for them when renting out their property.

Many tenants are angry that, with more competition for decent properties, they are forced to pay to guarantee somewhere to live. Some argue that the fee for drawing up a tenancy agreement far outweighs the actual cost to the agent and in fact the government has provided a model tenancy agreement reducing cost further..

Overall, along with rent in advance and a deposit, the average upfront costs faced by renters using a letting agency are more than £1,000 nationally and over £2,000 in London, according to Shelter.

How to End a Tenancy the Right Way!

Ending a tenancy the right way is key to a successful and profitable property business. Here are some guidelines to make sure that you end a tenancy in such a way that it is ready for a quick let and both you and your tenant leave on good terms - if possible.

Getting it right from the outset

It is possible to prevent things from going wrong with good communication. When the tenant moves into the property, make sure that you have sat down and explained to them what notification period is required to end the tenancy and make sure they understand their responsibilities.

Act quickly

As soon as the tenant contacts you about leaving, arrange a personal visit asap. The purpose of the visit is to:

- a. To find out why they are leaving
- b. To re-iterate the terms of the tenancy so they know what your responsibility is as a landlord and what they need to do as a tenant

Give the tenant a check-out plan

When you visit the property and speak to the tenant make sure that you have information to give to them explaining that you want them to leave the property in the best condition possible.

Give them a list of things that will benefit them and that

they need to comply with before they get their deposit back.

A checklist should include things like:

- Giving you a forwarding address
- Carrying out an inventory check
- Carrying out a general property inspection
- Notifying all utility/service suppliers
- Returning their keys
- Making sure the rent is up to date
- Forwarding all mail to new address, etc.

Start marketing your property for re-let

As soon as you're notified, your focus needs to switch to how you can re-let your property as quickly as possible. Remember, cash flow is vital for any business! So, in other words, notification of a tenant leaving needs to trigger your reletting process!

Stay in regular contact

During the notice period stay in contact with your tenant. For example, make sure you visit/call them a week before your final check-out visit to make sure they are on track to meet their responsibilities.

Improvement Notices for Category 1 Hazards

A landlord has lost an appeal against improving a property.

The original inspection was completed by Derby City Council (DCC) on 5th November 2015 where three category 1 hazards were identified relating to excess cold, falls on stairs and fire safety.

The landlord was informed of the issues and warned that a notice would be served requiring him to remedy the issues highlighted. The landlord responded stating that for him to complete the works, he required vacant possession of the property and so would be serving notice on the tenant in order to access the property. This notice had not been served by 15th December 2015 and so DCC advised the landlord that if he failed to serve the notice on the tenant requiring possession of the property that he would be served with an improvement notice requiring him to remedy the hazards at the property.

The landlord informed DCC that he was having issues with access, so DCC organised access directly with the tenant for early January 2016 which the landlord did not utilise.

Mid-January DCC were informed that the landlord had received quotes for certain works but that the landlord would be disputing the works regarding fire safety – in this case the requirement was to install a hard-wired interlinked system due to the nature of the property, which the landlord was made fully aware of on two separate occasions.

DCC served an improvement notice on the property on 26th January 2016 requiring the landlord to remove the three hazards identified by 24th March 2016. The landlord appealed this notice stating that DCC's conduct was heavy-handed and the works order regarding fire safety was disproportionate.

The Upper-Tier Tribunal decided that the serving of an improvement notice in this case was appropriate due to the nature of the hazards identified and that the requirement for hard-wired interlinked smoke alarms was proportionate due to the inherent fire risk at dwelling due to its internal layout.

Amanda Rose, MCIEH, BSc Hons from Derby City Council states: The decision made by the tribunal is a good result for local authorities making informed choices as to the risks involved with regards to the use of interlinked hard wired fire detection versus standalone battery operated detection in a privately rented property.

The new Smoke and Carbon Monoxide Alarm (England)

Regulations 2015 have caused a lot of confusion with landlords, and their legal requirements on the provision of fire detection equipment. With regard to smoke alarm provision generally and the new smoke alarm regulations, they are designed to act as a backstop minimum standard to reduce fire-related injury and deaths from the beginning of the tenancy. Compliance with it is achievable through the installation of battery powered smoke alarms only (although the guidance that accompanies the regulations does encourage landlords to make an informed decision on the design of an alarm appropriate for the circumstances). However, the new regulations do not in any way alter the provisions of Part 1 of the Housing Act 2004, and the assessment of the property under the Housing Health & Safety Rating System. Therefore, if an officer judges that a mains operated, interlinked fire detection system is required to reduce fire related hazards (and that a battery operated smoke alarm is not sufficient due to location, previous failures, audibility etc.), a mains wired fire detection system may still be required on some occasions. This is in line with the recommendations of the LACORS Fire Safety Guide which remains in operation for England & Wales and is endorsed by the Chief Fire Officers Association and Chartered Institute of Environmental Health.

This is because the new smoke alarm regulations do not take any account of many factors, such as the internal layout of a property (inner rooms), the quality or compliance of a development/conversion with Building Control legislation (or not), the constructional fire resistance and inadequate means of escape caused by poor layouts, cooker positions, and/or a lack of necessary escape windows.

This decision does help to clarify why as an officer we still have to carry out a risk assessment of each individual property as to the safest way to protect the tenants from fire-related hazards.

Article provided by DASH Services 18/8/16.

*DASH Services is a joint-working initiative with Local Authorities, property owners, landlords and tenants. DASH aims to improve housing conditions in the private sector, with particular emphasis on the private rented sector.

www.dashservices.org.uk

A high number of landlords are not up-to-date with recent legislative changes

The Association of Independent Inventory Clerks (AIIC) has noted that the number of queries regarding carbon monoxide and smoke alarms, and window blinds is alarmingly high.

Landlords are required to fit a smoke detector on every storey of a rental property where someone is living, partially living or is deemed as a habitable area, such as bathrooms and it is mandatory for carbon monoxide detectors to be fitted in all rooms with solid fuel burning appliances.

However, the AIIC is receiving numerous queries, mainly regarding the type of detectors required, the required positioning and when they need to be tested. This is somewhat concerning as the new legislation has been in place for some time now and landlords should be aware of their responsibilities – especially considering the health and safety of their tenant could be at risk.

Furthermore, landlords and their agents do not seem to be aware of the safety requirements relating to blinds and curtains introduced in 2014 by the British Standards Institution. These state that any blinds installed with cords and chains must have breakaway connectors and cord and safety chain retainers, alongside being maintained at a minimum 1.5 metres from floor level. These regulations apply to any new blinds or curtain tracks which are fitted by a professional and where an accident involving a non-compliant blind occurs, the landlord could be liable for prosecution by Trading Standards.

AIIC states that “there is no excuse for anyone in our industry to ignore regulations, this could be dangerous and very costly in the long run”. Landlords and agents have a responsibility to understand their legal obligations and the best way to do that is by joining an organisation like DASH, EMPO, the RLA or the NLA who will keep you informed of any new legal requirements and ensure you are fully up-to-date and compliant

** The Association of Independent Inventory Clerks (AIIC) is the UK's largest and longest established membership organisation, with over 750 members nationwide. The AIIC is a self-regulatory body with an ongoing monitoring process, Code of Practice, Guidelines and full complaints procedure.*

** To find out more information about the Association Of Independent Inventory Clerks and the find a member in your area to inspect your properties please see www.theaiic.co.uk.*

Energy Performance Certificates

The Energy Performance Certificate, or EPC as it is commonly known, has been a stumbling block for many a landlord since its introduction in 2007 via the Home Information Packs. Since then the regulations relating to EPC's have tightened further, making them mandatory for the private rented sector (PRS) and now landlords can't serve Section 21 notices if their tenants have not been properly served with a copy of their EPC.

The government is now taking EPCs even further with the Minimum Efficiency Standards for the PRS set to be phased in from 2018, and by 2020 landlords will not be allowed to rent out properties with an EPC rating of G or less. Exemptions will apply in cases where landlords have endeavoured to improve the EPC rating by completing improvement works but the property cannot meet the required standard.

The PRS is renowned for properties with low energy efficiency ratings when compared with the social or owner-occupier sectors, in part due to the fact that 30% of PRS properties were developed pre-war. However, the energy efficiency of properties within the PRS has been gradually increasing over the past ten years.

This improvement is unlikely to continue, even with the introduction of the minimum standards, as although these will stop landlords from letting out inefficient properties, there is an exemption stating that landlords will not need to cover any up-front costs which is farcical considering that the government have scrapped the Green Deal.

In reality, the Government has two options:

1. Delay the introduction of the minimum standards until a new Green Deal has been formulated and introduced.
2. Remove or relax the no up-front costs to the landlord exemption, which will not be a popular choice.

The National Landlords Association and DASH prefer option 1 as it places less of a burden on the landlord, and the NLA have impressed this upon the government! Article provided by DASH Services 18/8/16.

Rent in Advance Deposit Scheme

What is the Rent Deposit Scheme?

At the start of a tenancy, landlords usually expect one month's rent in advance and a deposit against any breakage and/or damage.

HDC provides a Rent Deposit Scheme so that people who cannot afford these initial payments can borrow the amount needed. The loan is interest-free and paid back over 12 months. Alternatively, the landlord may agree to take a bond from the council.

What is a bond agreement?

Instead of the tenant borrowing the deposit and having to repay this as a loan, the council guarantees a payment for the landlord, if they needed to make a valid claim at the end of the tenancy. We would then recover the amount of the claim from the tenant.

A bond agreement means that the tenant does not have a loan and monthly repayments to make, and so may be a more affordable agreement if the landlord agrees to it.

Who can apply?

The scheme is only available to households that are homeless or threatened with homelessness and who do not have enough income or savings to meet the upfront costs of renting privately. You must live or work in Huntingdonshire or have a need to move here to give or receive support.

We will not help with a loan if you already have any outstanding debts with the council and you must also not be an undischarged bankrupt. Also, you will not be eligible for a loan if you have already moved into the property. You should not make arrangements to move before the loan is agreed.

You should find a suitable home before you apply for a loan. It must be used as your only home, be a size that is suitable for your needs and in a reasonable condition. The rent must be appropriate for the type of property.

Leaflet: www.huntingdonshire.gov.uk/media/1270/rent-deposit-information-leaflet.pdf

How to apply?

Contact: Housing Needs, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN

Tenancy deposit protection

Landlords accepting a deposit directly from a tenant must place the deposit in a government-backed tenancy deposit scheme.

Prevent Expensive Repairs This Winter

Landlords know the season of leaky roofs, frozen pipes and heating problems is here. Here is a brief checklist to help ensure some of the most common problems are anticipated and avoided where possible.

Emergencies: Make sure your tenants know where the mains water stopcock and gas emergency control valve are located, so in the event of an emergency they can be turned off. Also, make sure your tenants know who to call if there is an emergency.

Leaks: Blocked guttering, cracks in the roof and missing roof tiles can cause big problems when it rains. Landlords should arrange for repairs to be carried out as early as possible, while guttering should be regularly cleared, especially after the autumn leaf fall.

Frozen pipes: Pipes at risk of freezing should be lagged, and making sure tenants know where to turn off the water supply will allow them to act quickly if a pipe bursts – potentially saving thousands of pounds in repairs and an insurance claim for water damage.

Heating problems: It is important that problems with the heating system are fixed quickly. Where spares need to be ordered in, it may be that portable heaters such as oil filled electric radiators could be supplied as a temporary measure. The heating system should also be checked regularly to avoid problems before temperatures drop.

Frozen pathways: If pathways and driveways are not well drained they can become icy when the temperatures dip, potentially leading to accidents.

Security: As the nights become longer, security becomes a heightened issue for all households. Landlords can help reduce the risks for their tenants by providing plenty of spare bulbs for outside lights as well as fitting motion sensor lights to the back and the front of the house. If there is an alarm, ensuring it is serviced each year will help to prevent problems.

Insurance for flooding: Landlords cover buildings insurance and most include perils such as flooding: make sure yours does and ensure that tenants have their own contents cover. In the event of a problem, tenants could be left out of pocket if they don't have the right insurance in place.

Information provided by Damien Fogg MRICS Local NLA Representative

National Landlords Association

Tel: 020 7840 8900 | Web: www.landlords.org.uk

Useful Links

www.huntingdonshire.gov.uk/advertiseyourproperty
www.gov.uk/government/publications/how-to-rent
www.depositprotection.com/
www.mydeposits.co.uk/
www.tenancydepositscheme.com/
www.huntingdonshire.gov.uk/housing/advice-for-landlords
www.energysavingtrust.org.uk/?gclid=COXO1ZC3uc0CFdYV0wodk0MNVg
www.landlords.org.uk/
www.easternlandlords.org.uk/

Useful Contact Numbers

Keith Tayler, Private Sector Housing, HDC	01480 388 237
Sue Questier, Housing Environmental Health Officer, HDC	01480 388 286
Julia Blackwell, Energy & Efficiency Officer, HDC	01480 388 288
Association of Residential Letting Agents (ARLA)	0845 345 5752
National Landlords Association (NLA)	020 7840 8937
Eastern Landlords Association (ELA)	01603 767 101
Tenancy Deposit Protection Team	0207 944 4400
Energy Saving Advice Service	0300 123 1234
Valuation Office Agency Ground Floor Ferrers House, Castle Meadow Road, Nottingham, NG2 1AB	03000 501501

The Next Landlords Forum will be held
15 March 2017
at Pathfinder House, Huntingdon
6.30pm - 8pm

If you wish to have an item included onto the agenda please contact me on the number above. The opinions and views expressed in the landlord's newsletter are not necessarily those of the Huntingdonshire District Council. All information is accepted in good faith at the time of going to press.

The Landlords Forum is organised and delivered by the council's Private Housing Section which is a division of Planning and Strategic Housing Services. The section may be contacted by private landlords and tenants seeking general advice on landlord and tenant law. The opinions and views expressed in the landlord's newsletter are not necessarily those of Huntingdonshire District Council and all information is accepted in good faith at the time of going to press.

Advice is also available online at:

www.huntingdonshire.gov.uk

The Huntingdonshire Landlords' Forum is a central part of the housing service the council provides to private sector landlords. The Forum exists so that landlords can meet officers and other landlords to share their experiences. The council is there to arrange the meetings, invite along guest speakers, listen to what landlords have to say and, where it is needed, offer support and advice.

What do we get in return? We get good feedback about what landlords think of the services the council provides and landlords use: Housing Benefits; Environmental Health Services, Landlord and Tenant Advice and Housing Grants. We also get good information about how an important group of local housing providers run their businesses. All this helps us to plan services to the private sector that are rooted in an understanding of what the key issues are for landlords, their tenants and prospective private tenants. Hopefully this

will help us to raise our standards and in so doing help raise standards across the local lettings industry.

The Forum is not a council-sponsored talking shop. Landlords' views are canvassed and considered when we come to reviewing and producing our policies and we can sometimes introduce suggested changes.

If you are a landlord or a prospective landlord the Forum is for you. Join our mailing list by phoning 01480 388237 or email keith.tayler@huntingdonshire.gov.uk

We will let you know about our programme of meetings and send you a copy of our free newsletter. If you are new to the industry we will also send you a copy of our landlord pack which is full of the information you will need to help you make a success of your business.

This department may also be contacted for information about;

- Landlord and tenant Law
- Tenancy agreements
- Finding a suitable tenant for your accommodation
- Advertising available property for rent
- Registered Rents and Local Housing Allowance
- Tenancy Deposit scheme
- How to end a tenancy

For information or advice please contact;

**Keith Tayler, Private Sector Housing Officer -
Telephone: 01480 388237**