

Huntingdonshire Landlords Forum Newsletter

In this issue Queens Speech 2015 • Action on Energy • Town Hall Lettings • Rent Deposit Scheme • Ending an Assured Shorthold Tenancy • The Anti-Social Behaviour, Crime and Policing Act • Citizens Advice Bureau campaign for better protections for private renters • Smoke and CO2 alarms • Landlord's safety responsibilities • Useful contact numbers • [June 2015 - Issue 15](#)

Welcome to the June edition of our Landlords Forum Newsletter

You have received a copy of this edition of the Huntingdonshire Landlords Forum newsletter because you have elected to join the Landlords Forum and I would encourage you to make use of the 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 these services all we ask is that you work with us to improve the quality and management of private rented accommodation in the district. Please note however, that we cannot take on the management of your property. What we can do is give you accurate and timely information and offer advice and support to prevent problems arising or on the best ways to deal with any problems or situations as they occur in connection to your rented property.

We do not have all the answers but what we do have is access to lots of information and as a forum we can draw upon a wealth of experience and share this knowledge with others. Sometimes, we are able to simply pass on information to landlords but occasionally we uncover new issues which when explored can add to the Forum's collective knowledge. One of the key aims for this Council is trying to solve peoples housing problems and we can do this by encouraging landlords to offer good quality and well managed properties to people in housing need. This can help reduce waiting times on the Housing Register as well as prevent homelessness and the use of temporary accommodation. I hope you can see that there are benefits in joining the Landlords forum for you, the landlord, as well as for the Council and tenants looking for accommodation.

The next Landlords Forum will be on 16th September 2015

Queens Speech 2015

In the Queen's Speech, Her Majesty announced over 20 Bills that her new Government propose to introduce. The following Bills will be of interest to landlords.

Housing Bill

- Helping more tenants of housing associations to buy a home of their own
- Increasing the supply of new Starter Homes (to be exclusively offered to young first-time buyers, at a 20% discount below their open market value)
- Helping those wishing to build their own home
- Ensuring local people have more control over planning

Immigration Bill

- Building on the national roll-out of the landlord scheme established in the Immigration Act 2014 (Requiring private landlords in the West Midlands to check the immigration status of their tenants, to prevent those with no right to live in the UK from accessing private rented housing) and make it easier to evict illegal migrants.

For more information go to;

www.gov.uk/government/news/west-midlands-to-be-first-landlord-right-to-rent-check-area

- Proposals for a mandatory licensing regime for homes of multiple occupation (HMOs) or 'shared housing'. The proposal is to amend the definition of mandatory licensable HMOs – currently 3 storeys and 5 individuals – and DCLG intend to consult on the proposals before anything is implemented, with exact timeframes yet to be agreed.

The full text of the speech can be found at;

www.gov.uk/government/speeches/queens-speech-2015

Action on Energy

Grants for Landlords in Huntingdonshire

At a time when energy prices are rising and average household disposable income is reportedly at its lowest, making a rental property more energy efficient makes sound commercial sense – particularly if you don't have to invest your own money.

How Action on Energy can help?

Huntingdonshire District Council has secured funding to help private landlords and their tenants improve the energy efficiency of their properties.

These include:

- Up to £6,000 towards the installation of either internal or external solid wall insulation, and up to an extra £1,000 for any other energy efficiency home improvement
- Up to £2,000 towards either loft or cavity wall insulation, plus one other energy efficiency home improvement

Other energy home improvements can include:

- Loft Insulation
- Cavity Wall Insulation
- High Efficiency Gas Boilers
- Double Glazing and Doors

In addition Landlords could receive a one-off payment of £500 for increasing the EPC rating of the property from an 'F' or 'G' rating to at least a 'D' rating.

Your tenants could benefit too, a one-off rental discount of £500 is available where solid wall insulation is installed, or £100 when any other measure is installed.

Funding for the above offer is limited and applications will be considered on a 'first come, first served' basis until the end of September 2015.

For more information or to apply visit

www.actiononenergy.net or call 0800 093 33 03

Town Hall lettings (THL)

Hosts, homes, hope: Cambridge Supported Lodgings.

Do you have a spare room in your house that would be suitable for a lodger? If THL provided full training and support, could we make this work?

We're looking to match:

- Suitable, well-vetted tenants, with
- Friendly, welcoming hosts, into
- Good quality houses.

THL have a team of people who carefully assess people who approach our service, and create a bespoke action plan to help them manage their personal circumstances. They also work with you to make sure you are well-prepared for taking on a lodger, advising you on a wide range of potential issues, including property standards, rent collection, tax and benefits.

Most importantly, they work hard to make sure you are matched to a suitable lodger and that the agreement – typically between three and nine months - is set up to succeed.

Renting out a room can be a good way of earning extra money. THL can help you negotiate a fair rent, and help you assess the tax and benefits implications - such as how to take advantage of the Government's Rent-a-Room scheme.

However, the main benefit of renting out a room is the impact you'll have on someone's life – providing a safe, stable environment for someone who needs it.

So, if you're interested, contact THL on 01223 457920 or email andy.king@cambridge.gov.uk.

Rent Deposit Scheme

Landlords usually expect one month's rent in advance at the start of a tenancy as well as a deposit against breakage and damage. Huntingdonshire District Council (the Council) 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 can be paid back over 12 months. Alternatively, a landlord may agree to take a bond from the Council in place of the deposit which guarantees a payment if the landlord makes a valid claim at the end of the tenancy. The Council would then recover the amount of the claim from the tenant. This arrangement reduces the amount of the loan and the monthly repayments made by the applicant.

To qualify for the scheme, prospective tenants must have a low income and live in Huntingdonshire. They must not have any outstanding debts with the Council and they must not be an un-discharged bankrupt.

Applicants need to find a suitable home before they apply to the Council for a loan. This must be used as their only home and must be a size that is suitable for their needs and in reasonable condition. The rent must be appropriate for the type of property.

Housing Benefit

If the tenant needs to claim Housing Benefit, their rent must be within

the Local Housing Allowance limit. The Council will check the applicant's income in order to be sure that they will be able to afford the loan repayments and manage the rent. If they do qualify for a loan, it does not guarantee that any or all of their rent will be met from Housing Benefit. This can only be decided when a valid Housing Benefit claim has been determined after they have taken up the tenancy (For more information contact the Council at Pathfinder House, St Mary's Street, Huntingdon or look at the Council's web pages and click on the link to 'Benefits').

Application

You can download an application form and a leaflet about the scheme from the Council's web pages (www.huntingdonshire.gov.uk).

Please note: The loan budget is limited and unfortunately the Council may have to close the scheme from time to time if funds run out. This can sometimes mean that applicants who qualify for a loan are rejected.

Advice

Prospective tenants can speak to a Housing Officer, please see the 'Housing Advice' link on the Council's Web pages.

Rental Deposit Laws

All deposits taken for Assured Shorthold Tenancies have had to be covered by a tenancy deposit protection scheme.

Ending an Assured Shorthold Tenancy

The Deregulation Act 2015 (DA) was passed on 26 March 2015 and covers various points which will be of interest to landlords.

Section 21 – The standard route to possession; you can use Section 21 notice if;

- your tenants have a written assured shorthold tenancy (AST) or statutory periodic tenancy agreement
- you put their deposit in a deposit protection scheme if the tenancy started after April 2007

NOTE:

Since 6 April 2007, it has been mandatory for a landlord to ensure that a deposit paid on creation of a new residential Assured Shorthold Tenancy Agreement (AST) in England or Wales is paid into a Tenancy Deposit Scheme (TDS). These changes were brought in under amendments made to the Housing Act 2004 and they were not intended to be retrospective.

In the recent case of *Superstrike Ltd v Rodrigues* (2013) the Court of Appeal held that in some cases a deposit paid before 6 April 2007 should also be placed into a TDS; when the fixed term of an AST has come to an end and a statutory periodic tenancy has arisen.

Changes to Section 21 notices - Provisions to be in force from 1 October 2015 (in England only)

- No section 21 Notice may be given/issued until AFTER month 4 of commencement of tenancy; within the period of four months beginning with the day on which the tenancy began"
- An application to court using such 21 Notice MUST be made within 6 months of date of issue of notice AND also within four months of expiry of notice. Otherwise invalid - meaning a Section 21 notice will only have a shelf life of 6 months after which possession proceedings cannot be issued on the said notice, so a new Notice MUST thereafter be issued.
- Abolished the need for a section 21 to expire on the last day of a rental period

Retaliatory evictions - The DA introduces new provisions to protect tenants from eviction.

These provisions restrict a landlord's ability to serve a Section 21 notice in circumstances where the tenant has complained about the condition of the premises or the

common parts of a building of which the premises form part, and the landlord either did not respond within 14 days, provided an inadequate response or responded by serving a Section 21 notice.

The tenant can then complain to the housing authority which may serve various types of enforcement notice on the landlord. If the housing authority does this, the landlord cannot serve a Section 21 notice within six months of the date of service of the enforcement notice (or, if the operation of the notice has been suspended, within six months of the date on which the suspension ends).

Although the provisions state that the tenant's complaint must be in writing, they go on to say that they will still apply if the tenant did not know the landlord's email or postal address or if the tenant made reasonable efforts to contact the landlord to make the complaint, but was unable to do so. Landlords should, therefore, ensure that tenants have adequate means of contacting them.

Section 8 – A section 8 is a formal legal notice that informs the Tenant that should they fail to remedy the breach within X days you are eligible to ask the court to evict them and you may also seek compensation for loss. More commonly used for non-payment of rent.

The changes to Section 8 Notices

The Secretary of State, has exercised powers to instruct that landlords of properties located in England must hereafter use new prescribed Notices/Forms when issuing Section 8 Eviction Notices, Rent Increases etc. What this basically means is that if you issue the old or wrong notice/form then what you have requested shall be void. As an example - in simple terms if you issue a Section 8 Notice that does not comply with new format from 6th April 2015 any application to court will be thrown out as invalid eviction application.

The Section 8 Notice contains mandatory text and is very precise in how this must be completed. An error in completion can invalidate in entirety the notice. The validity of the Notice is often only picked up at the court hearing and then the case is dismissed which is very disconcerting as it is often up to two months after the notice had been issued that the landlord discovers this anomaly. The moral is to use a reliable source.

Smoke and CO₂ alarms

SMOKE ALARMS IN RENTED PROPERTIES

Sign up to save lives

www.cambsfire.gov.uk/firesafety/alarms4life.php



From the 1st October 2015 new regulations require that all 'specified tenancies' which include private sector landlords, will be required to install a smoke alarm on every floor of their property and a carbon monoxide alarm in those properties which use/burn solid fuels. Also landlords need to check that alarms are working at the start of every 'new tenancy'.

Cambridgeshire Fire & Rescue Service have been given a number of smoke alarms and CO alarms to allocate to private landlords to help them meet the new regulations.

They need to ensure that the alarms are given out to the right people and this would be a good opportunity for them to provide some extra help and advice in order to keep your tenants safe.

ALARMS 4 LIFE FOR LANDLORDS

Landlords of privately rented properties in Cambridgeshire can pick up free smoke and carbon monoxide alarms at upcoming distribution events.

Landlords can collect smoke and carbon monoxide alarms on the first Monday of July, August and September, from the fire stations listed here:

Collection dates:

The following Mondays;

July 6, August 3, September 7, September 28

Pick up points:

On these days, landlords can pick alarms up from the following whole time fire station between 8am and 8pm:

Cambridge Fire Station
Stanground Fire Station
Huntingdon Fire Station
St Neots Fire Station
Ely Fire Station
Wisbech Fire Station

The following on-call fire stations will be open as distribution points 6pm - 8pm:

Cottenham Fire Station
Sutton Fire Station
Littleport Fire Station
Soham Fire Station
Burwell Fire Station
Linton Fire Station
Sawston Fire Station
Gamlingay Fire Station
Papworth Fire Station
Peterborough Volunteer Fire Station
Whittlesey Fire Station
Thorney Fire Station
March Fire Station
Manea Fire Station
Chatteris Fire Station
Ramsey Fire Station
Sawtry Fire Station
Kimbolton Fire Station
St Ives Fire Station

Landlord's safety responsibilities

Landlord must keep rented property safe and free from health hazards.

Gas safety

You must:

- make sure gas equipment they supply is safely installed and maintained by a Gas Safe registered engineer
- have a registered engineer do an annual gas safety on each appliance and flue
- give you a copy of the gas safety check record before you move in, or within 28 days of the check

Electrical safety

You must make sure:

- the electrical system is safe, e.g. sockets and light fittings
- all appliances they supply are safe, e.g. cookers and kettles

Fire safety

You must:

- follow fire safety regulations, e.g. check you have access to escape routes at all times
- make sure the furniture and furnishings they supply are fire safe
- provide fire alarms and extinguishers (if the property is a large House in Multiple Occupation (HMO))

The Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

This Act gives social landlords new powers to obtain possession against tenants causing nuisance and or anti - social behaviour.

Recovery of possession of property for nuisance and anti - social behaviour is contained in Part 5 of the Anti - Social Behaviour Crime and Policing Act 2014. Part 5 lists 5 conditions allowing a landlord absolute grounds for possession as well as discretionary grounds for possession in matters relating to anti - social behaviour only.

The new remedy is available to social landlords providing accommodation to tenants under secure & assured tenancies.

Assured tenancies

Section 97 (1) of the Act sets a new ground and notice requirements for assured tenancies. Ground 7A is now inserted after Ground 7 in Part 1 of Schedule 2 of the Housing Act 1988. Ground 7A lists the 5 conditions and if any of the conditions are met the court must grant a possession order.

Condition 1

The tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious offence, and the serious offence -

- Was committed (wholly or partly) in, or in the locality of, the dwelling-house,
- Was committed elsewhere against a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or

- Was committed elsewhere against the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and directly or indirectly related to or affected those functions.

Condition 2

A court has found in relevant proceedings that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, other than a provision requiring a person to participate in a particular activity, and -

- The breach occurred in, or in the locality of, the dwelling-house, or
 - The breach occurred elsewhere and the provision breached was a provision intended to prevent -
1. Conduct that is capable of causing nuisance or annoyance to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 2. Conduct that is capable of causing nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise

of the landlord's housing management functions, and that is directly or indirectly related to or affects those functions.

Condition 3

The tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under section 30 of the Anti-social Behaviour, Crime and Policing Act 2014 consisting of a breach of a provision of a criminal behaviour order prohibiting a person from doing anything described in the order, and the offence involved -

- A breach that occurred in, or in the locality of, the dwelling-house, or
 - A breach that occurred elsewhere of a provision intended to prevent -
1. Behaviour that causes or is likely to cause harassment, alarm or distress to a person with a right (of whatever description) to reside in, or occupy housing accommodation in the locality of, the dwelling-house, or
 2. Behaviour that causes or is likely to cause harassment, alarm or distress to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the exercise of the landlord's housing management functions, and that is directly or indirectly related to

Citizens Advice campaign for better protections for private renters.

or affects those functions.

Condition 4

- The dwelling-house is or has been subject to a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014, and
- Access to the dwelling-house has been prohibited (under the closure order or under a closure notice issued under section 76 of that Act) for a continuous period of more than 48 hours.

Condition 5

- The tenant, or a person residing in or visiting the dwelling-house, has been convicted of an offence under -
 1. Section 80(4) of the Environmental Protection Act 1990 (breach of abatement notice in relation to statutory nuisance), or
 2. Section 82(8) of that Act (breach of court order to abate statutory nuisance etc.), and the nuisance concerned was noise emitted from the dwelling-house which was a statutory nuisance for the purposes of Part 3 of that Act by virtue of section 79(1) (g) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance).

Condition 1, 2, 3, 4 or 5 is not met if -

- There is an appeal against the conviction, finding or order concerned which has not been finally determined, abandoned or withdrawn, or
- The final determination of the appeal results in the conviction, finding or order being overturned.

A Citizen's advice report called 'Settled and Safe' says that in the last year more than 80,000 people came to them suffering a problem with a privately rented home. That's 230 people every day, hit by issues from illegal eviction to harassment to lost deposits and struggles to secure the most basic repairs.

The report claims that the private rental sector remains a market in which consumers are woefully under-protected and want this to change. They state that they don't see why renters should expect anything less than the protections consumers take for granted elsewhere - repairs that get done, systems to protect them from cowboys, refunds when things go badly wrong.

The report demands that:

1. No renter should ever have to pay excessive and inexplicable fees for the basic services a letting agent provides. They want to see an end to extortionate fees levied on renters by letting agents.
2. No renter should be at the mercy of rogue landlords who consistently break the rules, taking deposits unlawfully, harassing tenants or renting substandard homes. They want to see all local authorities in England set up a register of landlords that tackles the specific problems in their area.
3. No renter should ever be left out of pocket after renting a home which proves to be dangerous or

uninhabitable. They want tenants to be entitled to rent refunds where the property they're living in is dangerous or not fit to live in.

4. No renter should be evicted simply for complaining about bad conditions. They want to see an end to retaliatory evictions.
5. No renter should ever lose their home at a moment's notice. They want all tenants to get reasonable notice before having to move out, even when caught up in a landlord's eviction.

Source: Citizens Advice - Report 'Settled and Safe' Comment by national Landlords

Association (NLA); Commenting on the Citizens Advice Bureau (CAB) report: A Nation of Renters,

Richard Lambert, Chief Executive Officer at the National Landlords Association said:

"We recognise that bad practice exists in private housing, that it can have a devastating effect on those it affects, and that it needs to be stamped out. But this report uses loose definitions to compound a perception that private housing is insecure and unsuitable across the board, and it ignores the weight of evidence to the contrary.

- See more at: <http://www.landlords.org.uk/news-campaigns/news/lies-lies-and-damned-statistics-nla-responds-cab-report-on-private-housing-stand#sthash.UsqY4jQP.dpuf>

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 Officer Agency (Ground Floor Ferrers House, Castle Meadow Road, Nottingham, NG2 1AB)	03000 501 501

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. Advice is also available online at;

www.huntingdonshire.gov.uk

(click on Housing – Advice for Landlords – Landlords Forum)

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. 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 section 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 Deposits
- How to end a tenancy

For information or advice please contact;

Keith Tayler, Private Sector Housing Officer
Telephone: 01480 388237

The Next Landlords Forum will be held 16th September 2015 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.