

Huntingdonshire Landlords Forum Newsletter

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Wishing all our landlords a very merry Christmas and a happy New Year!

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 and 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 14th March 2018. 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 hope to see you at our next Landlords Forum on the 14th March 2018. In the meantime I hope you have a great festive break and I look forward to seeing you again in the spring.

The next Landlords Forum will be on **14 March 2018** at **Pathfinder House**

Budget 2017 Update

Despite landlords not featuring as much as in recent years, there are still several points of note.

- **Capital Gains Tax** - The announced 30-day payment window for capital gains will be deferred until April 2020.
- **Income tax** - The higher rate threshold will rise from £45,000 to £46,350. Personal allowance will also be increased, from £11,500 to £11,850.
- **Empty homes premium** - The government is keen to encourage owners of empty homes to bring their properties back into use. To help achieve this, local authorities

will be able to increase the council tax premium from 50% to 100%

- **Long-term tenancies** - The government will consult on the barriers to landlords offering longer, more secure tenancies to those tenants who want them.
- **Rent-a-room relief** - In another attempt to encourage long-term tenancies, the government will look to establish how rent-a-room relief is being used.
- **Rent payments** - The government will launch a £2 million competition, to support FinTech firms developing innovative solutions that help first-time buyers ensure their history of

meeting rental payments on time is recognised in their credit scores and mortgage applications. Mortgage lenders and credit reference agencies are often unable to take rental payment history into account as they do not have access to this data. This competition will support firms to solve this problem.

The Budget also announces further support for those struggling to get on the housing ladder now. The government will permanently exempt first time buyers from stamp duty for properties up to £300,000, with purchasers benefiting on homes up to £500,000.

Landlord / rent solutions service covering Cambridgeshire & Peterborough City

The Landlord and Rent Solutions team are here to offer specialist help and advice to landlords, agents and tenants to help resolve problems that may lead to a tenancy being brought to an end. If you are thinking of issuing a Notice to your tenant due to problems that we may be able to assist you with please contact our Landlord and Rent Solutions team for help and advice first. Help available includes:

- Assistance with tenant debt problems and rent arrears
- Property repairs and maintenance issues
- Mediation between landlord and tenant to resolve issues
- Housing Benefit claims (including assisting tenants with applications for Discretionary Housing Payments)
- Guidance on landlord and tenant responsibilities
- Referrals to relevant support services

Please contact us by email:

trailblazer@fenland.gov.uk

Or call one of our helplines:

Abigail: **07710 075 034**

Dan: **07710 075 037**

Melissa: **07864 620 012**

This is a service being provided through a partnership of Cambridge and Peterborough City Councils, and East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire District Councils.

Right to Rent update

You must check the immigration status of all adults living in the property, regardless of whether they are named on the tenancy agreement and regardless of nationality. If an adult is living in your property as their only or main home, their right to rent must be checked.

The scheme only applies to new tenancies – if you already had tenants in your property before 1st February (when the scheme was introduced in England), you don't need to check your tenants' immigration status. Additionally, if you renew a tenancy that started before this date, you don't need to conduct the checks.

You may not always know who is living in your property, but you should make reasonable enquiries about who is living there.

Universal Credit roll out continues

From 15th November 2017 Universal Credit Full Service is now up and running within the Peterborough Job Centre area. This Job Centre covers postcodes PE7 and PE8 within the Huntingdonshire District Council area.

This change means most tenants of working age living within these postcodes and requiring help towards their rent will need to make a new claim for housing costs through Universal Credit and not Housing Benefit.

Information about this has been placed on the District Council's benefit web pages.

However, if you have questions regarding a tenant's housing costs which are being paid through Universal Credit please go to the Department for Work & Pensions guidance:

www.gov.uk/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords
www.huntingdonshire.gov.uk/benefits/housing-benefit/

Fixing and increasing the rent

Tenants who cannot afford to pay their rent, may be able to apply for housing benefit or housing costs through Universal Credit. They may also be entitled to other benefits if they are unemployed or on a low income.

Advise your tenant to claim Housing Benefit, as soon as possible they can as it is unlikely to be backdated. Tenant can claim Housing Benefit by contacting their local Council.

If tenants are getting into arrears with their rent there are many organisations that can help them including Citizens Advice Bureau.

Also please see section 2 above.

Assured Tenants

Assured tenants must pay whatever rent was agreed with their landlord when the tenancy began. A landlord cannot normally increase the rent unless the tenant agrees or the tenancy agreement allows it. If the tenancy agreement allows a landlord to increase the rent, it should contain information about when and how the rent can be increased.

If a rent increase has not been agreed with the landlord or if the tenancy agreement does not allow an increase, tenants may have the right to appeal to the First-tier Tribunal (Property Chamber)

in England, or a Rent Assessment Committee in Wales, if they think the rent increase proposed by a landlord is too high. This can only be done if the tenancy is not fixed term (that is, it does not run for a specific period only, for example, six months or a year) and if a landlord uses a special procedure to increase the rent. NOTE; a Tribunal or Committee can set a rent which is higher than that proposed by a landlord.

The situation is complicated and if a tenant wants to take a proposed increase to the First-tier Tribunal (Property Chamber) in England, or a Rent Assessment Committee in Wales, they should consult an experienced adviser, for example, at a Citizens Advice Bureau.

Assured shorthold tenants

An assured shorthold tenant must pay whatever rent was agreed with the landlord when the tenancy began.

The rent cannot normally be increased unless the tenant agrees or the tenancy agreement allows it. In certain cases, a landlord can instead use a special procedure to increase the rent, which involves giving the tenant a formal notice the details of which are set down by legislation. It is in theory possible for certain types

of assured shorthold tenants to appeal to the First-tier Tribunal (Property Chamber) in England, or a Rent Assessment Committee in Wales, like assured tenants can (see above), but assured shorthold tenants have very little protection from eviction, and antagonising a landlord could put a tenant at risk of losing their home.

If a tenant wishes to challenge a rent increase they must consult an experienced adviser, for example, at a Citizens Advice Bureau..

Protected tenants

Protected tenants must pay the rent which they agreed with their landlord when the tenancy began. However, either they or the landlord can subsequently ask the Rent Officer to fix a 'fair rent'.

If a tenant intends to take action about their rent, they should make sure they are a protected tenant. They should first consult an experienced adviser, for example at a Citizens Advice Bureau.

A landlord cannot increase the rent if it has been registered as a fair rent by the Rent Officer. If no fair rent has been registered, a landlord cannot increase the rent unless the tenant agrees formally in writing, or either the tenant or the landlord apply to the Rent Officer and the Rent Officer fixes a fair rent.

Buy With Confidence Trading Standards Approved

The Buy With Confidence scheme recommends all kinds of reputable businesses that have been vetted and approved by Essex Trading Standards, and your company could be involved. Cambridgeshire trading standards support the Buy With Confidence scheme however, the administration is now been passed to Essex Trading Standards.

With this accreditation a company becomes 'Trading Standards work approved' Trading Standards work very hard to protect everyone from rogue traders and help them to use only reliable and trustworthy businesses. To assist with this, They

run an approved business scheme 'Buy With Confidence'. This scheme is operated by Trading Standards for the benefit of consumers and businesses.

To continue the success we need reliable, trustworthy and honest companies to become members. The membership process is simple and straightforward.

Companies can apply online at: www.buywithconfidence.gov.uk

For businesses looking to show what sets them above the rest, the 'Buy With Confidence Trading Standards Approved' stamp helps show they

do mean business.

Benefits of membership include:

A public profile on the website. Use of the Buy With Confidence Trading Standards approved logos and wording on their own stationery, websites, vehicles etc. ongoing support and advice from qualified Trading Standards personnel and the Trading Standards association that could tip the balance when quoting for business.

For more information about Buy With Confidence and how to join, visit:

www.buywithconfidence.gov.uk

Council Tax discounts when properties become empty

In April 2013, legislation changed so that local councils could set their own limits regarding the discount to be awarded when a property became empty and unoccupied. Huntingdonshire District Council resolved that it would grant 100% discount, for a maximum period of one month, and this has been maintained each financial year.

This discount relates to the property and does not start again when a new owner or tenant becomes liable. They will receive the remaining period of the one month discount, provided it remains empty and unoccupied.

As is the case with most local authorities, we do not have the necessary resources to investigate every application for Class C discount, and we have to treat information received from every customer as being correct, unless we later find that is not the case.

There are instances where a tenant vacates a property prior to the termination of their lease. In those circumstances, they remain liable

for payment of any Council Tax due, however, they are entitled to claim the Class C discount.

Unfortunately, the landlord may not always be aware that the tenant has vacated until they make their own claim for Class C, after the lease termination date.

This can lead to a disputed claim, where the Council Tax Team finds themselves in the middle of a disagreement between the landlord and the tenant who are both claiming the Class C discount.

At that stage, we do our utmost to remain unbiased, and we will review the evidence that we have to try to determine what percentage should be granted to each party. However, where it comes down to one party's word against the other, we ask each party to supply evidence to support their application for Class C.

As mentioned above, we do not have the resources to investigate every application, and so we rely on each party obtaining their own evidence to support their application. This may include, for example, invoices

for furniture removals, dated photos of the property, copies of utility bills showing levels of service use, or other documents which provide proof of the condition of the property for the disputed period.

This can be frustrating for both parties, especially when the amounts involved may be very small. However, HDC Councillors have passed a resolution which requires payment after the Class C period (where a new tenant is not yet in occupation) and so we have a duty to collect any amounts that fall due. Neighbouring councils have passed their own resolutions, some of which are not as generous as the decision made by HDC.

Meanwhile, the Council Tax Team has a duty to collect any outstanding sums that become due, during a period where a property is vacant for more than a month. Landlords may wish to take advice on whether there are options which would allow them to insure themselves against these situations.

Data Protection Bill

The Data Protection Bill will update data protection laws for the digital age and was introduced to the House of Lords on 13 September 2017. It will replace the Data Protection Act 1998 with a new law that provides a comprehensive and modern framework for data protection in the UK, with stronger sanctions for malpractice.

The Data Protection Bill will:

- Make data protection laws fit for the digital age in which an ever increasing amount of data is being processed.
- Empower people to take control of their data.
- Support UK businesses and organisations through the change.
- Ensure that the UK is prepared for the future after we have left the EU

Landlord's responsibilities

Landlords need to be aware of their responsibilities in relation to data protection. This involves safeguarding tenant's data, making sure that you only pass it on if you are legally entitled to do so, and not retaining it for longer than necessary. However, there are circumstances where you can legitimately pass over data and indeed on occasion may be compelled to do so because of the legal obligation. It may well be necessary to give your tenants a privacy notice to tell them what can be done with data which you hold and how you could use it. Landlords should notify (register with) the Information Commissioner's office if they are holding/processing data - see below under Notification and Exemption from Notification.

Common situations affecting landlords

The Information Commissioner's

Office (responsible for the regulation of data protection) has published advice on housing for landlords and tenants. This gives information regarding common situations. In some of these it is permissible to part with data but you have to tell the tenant that you are doing so. You can This can be done by a privacy statement or in some other way, e.g. it could be included in the tenancy agreement.

Exemption from notification

You are only exempt from notification if you only process data for:

- Staff Administration (including payroll)
- Advising marketing and public relations (for your own business activity).
- Accounts and records.
- Where you do not use a computer for the processing.

Useful Links

www.huntingdonshire.gov.uk/advertiseyourproperty
www.gov.uk/government/publications/how-to-rent
www.publications.parliament.uk
www.depositprotection.com
www.mydeposits.co.uk
www.tenancydepositscheme.com
www.huntingdonshire.gov.uk/housing/advice-for-landlords
www.energysavingtrust.org.uk/?gclid=COXO1ZC3uc0CFdYV0wodk0MNVWg
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	03000 501 501
Ground Floor Ferrers House, Castle Meadow Road, Nottingham, NG2 1AB	

The Next Landlords Forum will be held
14 MARCH 2018
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 opinions and views expressed in the landlord's newsletter are not necessarily those of the Huntingdonshire District Council and all information is accepted in good faith at the time of writing.

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 the 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 came 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**