

## Landlords Forum Newsletter – July 2019 Issue No 23

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Welcome to the latest edition of Huntingdonshire Landlords Forum Newsletter. You have received a copy because you elected to join the landlord’s 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 landlord’s forum to be held in Huntingdon on 25 September 2019. 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.

Please let me know if there is a subject you wish to raise or if you require information that can be shared at the forum.

[huntingdonshire.gov.uk/housing/advice-for-landlords](http://huntingdonshire.gov.uk/housing/advice-for-landlords)

I hope to see you at our next Landlords Forum on the 25<sup>th</sup> September 2019. In the meantime I hope you have a good summer and I look forward to seeing you in September.

## Letting Agents - No fault evictions to be banned in England

Private landlords will no longer be able to evict tenants at short notice without good reason under new plans. The government says it wants to protect renters from "unethical" landlords and give them more long-term security. As part of a complete overhaul of the sector, the government has outlined plans to consult on new legislation to abolish Section 21 evictions.

Section 21 notices allow landlords to evict renters without a reason after their fixed-term tenancy period ends.

The National Landlords Association said members were forced to use Section 21 because they had "no confidence" in the courts to settle possession claims. But an organisation representing tenants said the plans were "a vital first step to ending profiteering from housing".

### **“Peace of mind”**

Housing Secretary James Brokenshire said that evidence showed so-called Section 21 evictions were one of the biggest causes of family homelessness.

He explained that the changes would offer more "stability" to the growing number of families renting and mean people would not be afraid to make a complaint "because they may be concerned through a no-fault eviction that they may be thrown out".

A survey of 2,001 private renters by Citizens Advice suggests that tenants who made a formal complaint had a 46% chance of being evicted within the next six months.

Mr Brokenshire also said the plans would offer "speedy redress" to landlords seeking to regain possession of their property for legitimate reasons, such as to sell it or to move into it themselves.

At the moment, landlords can give tenants as little as eight weeks' notice after a fixed-term contract ends. Under the government's new plans, landlords would have to provide a "concrete, evidenced reason already specified in law" in order to bring tenancies to an end.

Mrs May said the major shake-up will protect responsible tenants from "unethical behavior" and give them the "long-term certainty and the peace of mind they deserve". The Prime Minister also said the government was acting to prevent "unfair evictions".

The National Landlords Association (NLA) said its members should be able to use a Section 8 possession notice to evict someone who has broken the terms of their tenancy - for example by not paying rent. This sometimes involves landlord's spending money taking action in court if the tenants refuse to leave.

But NLA chief executive Richard Lambert said many landlords were forced to use Section 21 as they have "no confidence" in the courts to deal with Section 8 applications "quickly and surely". He said the proposed changes would create a new system of indefinite tenancies by the "back door", and the focus should be on improving the Section 8 and court process instead.

The National Landlords Association says the changes would make contracts "meaningless"

A Ministry of Housing spokesman said court processes would "also be expedited so landlords are able to swiftly and smoothly regain their property" where such a move is justified.

The majority of Section 21 notices do not appear in official statistics - that's because most tenants will leave their property soon after they receive their eviction letter and do not mount a legal challenge. However, where Section 21 notices are challenged, some statistics are available. They show that the use of Section 21 has risen sharply since 2011. Last year 10,128 repossessions were carried out by county court bailiffs in England using "the accelerated procedure" (which doesn't require a court hearing). Repossession occurs when bailiffs are given permission to remove tenants from a property in order to return it to a landlord.

So whilst the official numbers do not tell the whole story, they do show there is a rising trend over the long-term - even if the numbers have dropped a bit over the last couple of years.

\*Data includes social as well as private landlords

\*Source: Ministry of Justice & BBC.

## Rental Deposit Scheme

In line with the national trend, Huntingdonshire District Council Housing Department is continuing to see an increase in cases of homelessness; we are working proactively to prevent homelessness wherever possible and identify appropriate solutions to both prevent and relieve homelessness.

Homeless often comes at a point of crisis when many people aren't prepared and therefore, haven't had chance to build up their savings to afford the upfront payments associated with renting privately. One of the many ways we help those who are homeless or threatened with homelessness is through our Rental Deposit Scheme.

The Rental Deposit Scheme provides an interest free loan, usually spread over 12, 18 or 24 months, to assist with the necessary funds associated with renting privately (i.e. the Deposit and the first months' rent).

All applications to the scheme are thoroughly managed to ensure the property is affordable based on the household income and predicted expenditure to ensure the property is appropriate for their needs. We work collaboratively with the Letting Agents and Landlords to ensure that the clients are suitable for the property and vice versa.

As well as maintaining existing relationships, we are looking for the opportunity to build relationships with new landlords in order to help the scheme grow and be able to assist more households. In order to develop these relationships, we would like to offer you the opportunity to further discuss the scheme and answer any questions or concerns you may have.

Please contact us at [housingassistants@huntingdonshire.gov.uk](mailto:housingassistants@huntingdonshire.gov.uk) or telephone; 01480 388227

A meeting can be arranged if you wish; even if you don't currently have any properties available to rent, we would still like to hear from you to establish how we might be able to work together in the future.

### **Domestic abuse in the PRS: A matter of life and death**

Nearly two million people in the UK suffer from some form of domestic abuse every year, including more than 100,000 who are at high or imminent risk of being murdered or seriously injured by their partner or ex-partner. With such high numbers, it stands to reason that many landlords are likely to house a victim or indeed a survivor of domestic abuse at some stage.

The Domestic Abuse Housing Alliance (DAHA) is a partnership between 3 organisations (Gentoo and Peabody and Standing together against domestic Violence leading change in the Housing Sector's response to domestic abuse. Founded in 2014, DAHA's overarching mission is to ensure that 'Housing' improves its response to domestic abuse which up until a year ago had been focussed on Social Housing. DAHA is now extending its reach to look at how domestic abuse awareness and the response can be addressed in the PRS which is where you come in!

DAHA believes that Landlords and Agents have a vital part to play in raising awareness of domestic abuse and supporting anyone who is experiencing this. They are not proposing that landlords directly intervene and offer the same response as a social housing provider but signs and opportunities to help and support should not be ignored with the back-up of knowing that there is help and support out there.

A Pilot project funded by Ministry of Housing Communities and Local Government to develop and implement a 'Whole Housing' response to domestic Abuse is currently underway and the County of Cambridgeshire is one of the 3 pilot areas to benefit directly. The private rented sector is an integral part of this whole housing approach and the project will be focussed on free training, awareness raising events and support for landlords within the County.

Please look out for further information coming your way and don't miss the opportunity learn more about this important issue. Tackling domestic abuse is everybody's responsibility.

For more information:

[dahalliance.org.uk](http://dahalliance.org.uk)

National Domestic Violence Freephone Helpline - 0808 2000247 (24 hours a day 365 365 days a year)

[nationaldomesticviolencehelpline.org.uk](http://nationaldomesticviolencehelpline.org.uk)

### **No tenancy fees**

The Tenant Fees Act bans most letting fees and caps tenancy deposits paid by tenants in the private rented sector in England. The ban on tenant fees applies to new or renewed tenancy agreements signed on or after 1 June 2019. Effectively, this ends

all payments 'in connection with the tenancy of housing in England', unless they come under the list of permitted payments, which includes:

- Rent
- Tenancy deposit
- Holding deposit
- Default payments
- Fees for changes to the tenancy agreement
- Fees for ending a tenancy
- Payment for council tax
- Payment for utilities
- Payment for a TV licence
- Payment for communication services

This means fees for the following will now be prohibited:

- Inventories
- References
- Phone calls
- Postage
- Anything else that takes up their time

These fees are typically around £200, though they can be as high as £700 depending on the agency. As a landlord, you may want to consider whether a letting agent will expect you to pick up the cost of these fees.

For more information go to the Gov.UK webpage:

[gov.uk/government/collections/tenant-fees-act](https://www.gov.uk/government/collections/tenant-fees-act)

## Rent Solutions Update

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 at [trailblazer@fenland.gov.uk](mailto:trailblazer@fenland.gov.uk) or call one of our helplines:

Abigail: 07710 075 034

Dan: 07710 075 037

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.

## **Amendments to the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (the “Regulations”) affecting the domestic sector**

### **A Quick Guide**

- The minimum level of energy efficiency for domestic private rented property in England and Wales is EPC Band E;
- Since 01 April 2018: landlords of domestic properties may not grant a new tenancy or renew an existing tenancy for a property rated EPC F or G (unless an exemption applies). The landlord must improve the rating to minimum of EPC E (or register an exemption if one applies) before letting;
- From 01 April 2020: the minimum level of energy efficiency will apply to all domestic private rented properties covered by the Regulations, even if there has been no change in tenancy. From 01 April 2020, landlords may not continue to let properties with an EPC Rating of F or G, even to an existing tenant (unless an exemption applies).
- Landlords are encouraged to take action as soon as possible to ensure their properties meet or exceed EPC E by April 2020.
- If an exemption applies, landlords must register this on the PRS Exemptions Register. Full details of exemptions are set out in the updated Domestic Landlord Guidance – For more information go to the Gov UK webpage [gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents](http://gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents)

From 01 April 2019, a new landlord funding element will apply to domestic landlords. If a Landlord of an EPC F or G rated home cannot obtain third-party funding to meet their energy efficiency improvement costs, they will need to self-fund any improvements necessary to comply with the Regulations.

### **The key changes are:**

- Introduction of a landlord financial contribution element, capped at £3,500 per F or G Rated property, inclusive of VAT;
- Introduction of a ‘high cost’ exemption (available on the Exemptions Register from 1 April). This applies where an EPC F or G rated property cannot be improved to EPC Band E for £3,500 or less (inc.VAT);
- Removal of the previously available ‘no cost to the landlord’ exemption, and curtailment of all existing exemptions, registered on the basis that the landlord could not get any funding for energy efficiency improvements. These will now end on 31 March 2020;

And

- Removal of the ‘consent exemption’ in cases where a sitting tenant has withheld consent to a Green Deal finance plan.



## Landlord self-funding and the £3,500 cost cap

If a landlord of an EPC F or G rated home is unable to secure third-party funding (or third-party funding is available in insufficient quantity), they will now need to arrange their own funding to improve their property to EPC band E (or as close as is feasible). This requirement will apply before the property is let on a new tenancy or by April 2020 if no new tenancy has been entered into. Where landlord funding is to be used, the amended requirements cap landlord spend at £3,500 per property (inc. VAT). This cap is an upper ceiling, not a target or a spend requirement (although a landlord may spend more if they wish). If a landlord can improve their property to E (or higher) for less than £3,500 then they will have met their obligation.

Please note: if partial third-party funding is to be used alongside landlord funding, the third-party funding may be counted within the cap (for example, if a landlord can obtain £1,000 of third party funding, only £2,500 of self-funding will be necessary). Any investment in energy efficiency the landlord has made in relation to the property since 01 October 2017 may also be counted within the cap.

If a landlord is unable to improve their property to EPC band E for £3,500 they should install all measures which can be installed up to £3,500, then register an exemption on the PRS Exemptions Register on the basis that: 'all relevant improvements have been made and the property remains below an E'.

### New 'high cost' exemption

If the cost of purchasing and installing a recommended energy efficiency measure would cause a landlord to exceed the cost cap, the landlord can register an exemption on the PRS Exemptions Register.

To support this exemption, the landlord must upload copies of quotations from three different installers demonstrating that the cost cap will be exceeded. The exemption will last five years. Once it expires the landlord must try again to improve the property's EPC rating to meet the minimum level of energy efficiency.

The 'no cost to the landlord' provision, which permitted landlords to register an exemption (valid for five years) on the PRS Exemptions Register where they were unable to make improvements to their EPC F or G rated properties at no cost to themselves, will no longer be available after 01 April 2019.

In addition, the validity of all existing exemptions registered on the basis that the landlord could not get any funding for energy efficiency improvements will end for individual properties on 31 March 2020, instead of after five years. Landlords who had registered such exemptions prior to 01 April 2019 will now be required to make improvements (up to the value of £3,500) to ensure their properties achieve EPC E by 01 April 2020 – unless a further exemption applies.

Removal of 'consent exemption' where a sitting tenant withholds consent to a Green Deal finance plan From 1 April 2019, the 'tenant confirmation' consent exemption no longer applies where a sitting tenant withholds their consent to a Green Deal finance plan. This means that, if a landlord has secured Green Deal finance but a sitting tenant withholds their consent to the plan, that will not be enough to allow the landlord to claim an exemption on a 'consent withheld' basis and the landlord must seek alternative means of financing the required improvements, up to and including making a financial contribution themselves.

Complete, updated guidance on these new amendments, and on the full requirements of the Regulations, are published on GOV.UK: [gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents](https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents)

- Essentially, the domestic Minimum Standard Regulations apply to privately rented properties in England and Wales which are: a) let under certain types of domestic tenancy; and b) legally required to have an Energy Performance Certificate (EPC) (but see the Domestic Landlord Guidance for further details).

### Useful links

[huntingdonshire.gov.uk](https://www.huntingdonshire.gov.uk)

[huntingdonshire.gov.uk/advertiseyourproperty](https://www.huntingdonshire.gov.uk/advertiseyourproperty)

[gov.uk/government/publications/how-to-rent](https://www.gov.uk/government/publications/how-to-rent)

[publications.parliament.uk](https://publications.parliament.uk)

[depositprotection.com](https://www.depositprotection.com)

[mydeposits.co.uk](https://www.mydeposits.co.uk)

[tenancydepositscheme.com](https://www.tenancydepositscheme.com)

[huntingdonshire.gov.uk/housing/advice-for-landlords](https://www.huntingdonshire.gov.uk/housing/advice-for-landlords)

[energysavingtrust.org.uk/?gclid=COXO1ZC3uc0CFdYV0wodk0MNWg](https://www.energysavingtrust.org.uk/?gclid=COXO1ZC3uc0CFdYV0wodk0MNWg)

[landlords.org.uk](https://www.landlords.org.uk)

[easternlandlords.org.uk](https://www.easternlandlords.org.uk)

[cambsfire.gov.uk](https://www.cambsfire.gov.uk)

### Useful Contact Numbers

Keith Taylor, Private Sector Housing, HDC. -01480 388 237

Sue Questier, Housing Environmental Health Officer, HDC - 01480 388 286

Housing Assistants, preventing homelessness - 01480 388227

Rent Solutions - TBC

Julia Blackwell, Energy & Efficiency Officer, HDC - 01480 388 288

John Ingmire, Assistant Benefit Manager, HDC - 01480 388 092

Council Tax, HDC - 01480 388388

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 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 [huntingdonshire.gov.uk](http://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](mailto: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 set up and end a tenancy

For information or advice please call Keith Tayler, Private Sector Housing Officer - 01480 388237

**The next landlords forum will be held 25 September 2019 at Pathfinder House Huntingdon 6.30 pm – 8 pm**

If you wish to have an item included onto the agenda please contact us on the number above.

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