

Huntingdonshire Landlords Forum Newsletter

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Welcome to the Spring/Summer 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. Whilst we cannot take on the management of your property we can provide accurate and timely information; 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 where you will meet other landlords to discuss issues and listen to presentations. We will always do our best to answer your 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

Privacy policy

We (The Council) aim to be as clear as possible about how and why we use personal information about you. We collect name and contact details

(such as email, address and telephone number) when you confirm that you wish to receive information about the Landlords Forum. We collect this information so that we can provide you with relevant up to date information.

You may withdraw your consent at any time by contacting the Private Sector Housing Team Telephone: 01480 388237 or by email keith.taylor@huntingdonshire.gov.uk

We are a local Authority; Huntingdonshire District Council and our address is:

Strategic Housing Services
Pathfinder House, St Mary's Street,
Huntingdon, Cambs, PE29 3TN
Tel: 01480 388237
www.huntingdonshire.gov.uk

The next Landlords Forum will be on **19th September 2018** at **Pathfinder House**

Changes to Houses in Multiple Occupation (HMO) Regulations

MORE LANDLORDS TO NEED HMO LICENCES

Changes to Government regulations will mean that more landlords will require licences to operate. The changes, which come into effect on 1 October 2018, affect landlords operating HMOs (houses in multiple occupation) that are let out to more than 4 individuals who come from 2 or more households where amenities are shared.

Previously landlords operating HMOs only needed a licence if the property had more than 2 storeys but, from 1 October, this changes so that all properties falling within the HMO occupancy definition are covered by the mandatory licensing scheme, regardless of the nature of the building.

Landlords who already have licenced properties do not need to re-apply as current licences will be valid until their normal expiry date.

Huntingdonshire Council charges £350 for a first time

HMO licence, which lasts for up to 5 years, and £175 for a renewal.

Properties coming within the new HMO definition will need to meet defined safety standards, currently in place for licensed properties, so affected landlords should check the government website to make sure that their properties meet the required standards. Landlords will also have to be a fit and proper person to obtain a licence.

Further information is available on the internet, including the Government site; www.gov.uk/government/publications/licensing-of-houses-in-multiple-occupation-in-england-a-guide-for-landlords-and-managers

and the National Landlords Association site; www.landlords.org.uk/news-campaigns/news/government-confirms-extension-mandatory-hmo-licensing

Landlord / Rent solutions service covering Cambridge & Peterborough City

The Cambridgeshire and Peterborough Trailblazer Project team is available to offer specialist help and advice to landlords and tenants to help resolve issues that may lead to a tenancy being brought to an end. If they are not able to help directly then they may know of other services that you can be referred to. If you are considering issuing a notice to your tenants due to problems that they may be able to help with then please email the team at trailblazer@fenland.gov.uk for help and advice first. They will endeavour to find an alternative way to resolve an issue and can discuss various options that may be available to you.

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

The trailblazer Project can assist tenants and landlords with the following issues:

- Housing benefit claims including applications for discretionary housing payments
- Debt problems leading to rent arrears
- Eviction & harassment
- Landlord responsibilities
- Tenant responsibilities
- Property repairs/maintenance
- Environmental health/housing enforcement
- Referrals to appropriate tenancy support service

The Landlord Rents and Solutions service is proving to be really successful for both Landlords and Tenants. We have some great results where the Landlord is satisfied and the tenant is able to remain in their home.

The table below shows the performance of the project in Huntingdonshire over the last 12 months.

Please contact trailblazer@fenland.gov.uk to make a referral or if you would like to know more.

Trailblazer work in Huntingdonshire					
	Number of referrals	Homeless Prevention	Referred to Housing Options Team	Provided Advice	Uncontactable
Completed	80	43	15	16	9
In progress	29	1	-	1	-
Not started	3	-	-	-	-
Total	122	44	15	17	9

Staying Close, Staying Connected Project

Staying Close, Staying Connected is a leaving care project funded by the Dept. for Education - Innovation fund in partnership with Cambridgeshire County Council and Norfolk County Council. Part of the offer for young people is access to housing in 2-3 bed houses close to their homes. Break Charity lease the houses from private landlords and then young people sign a licence to live in the property. The charity will pay rent up front and the young people are entitled to claim 1 bedroom Local Housing Allowance (LHA) rate as they are care leavers so the charity should be able to offer more in rent than a typical social housing project. Please follow this link to see a leaflet which gives an overview of the whole project.

www.break-charity.org/media/277582/staying_close_1_.pdf

Email: scsc@break-charity.org

Tel: 01603 670100

Valuation Office Agency (VOA) and class D exemptions

The following information is relevant to landlords acquiring investment properties which are in need of refurbishment or major repairs/structural alteration.

When a property requires, or is undergoing, major repair or structural alteration, the owner may apply for Council Tax Class D discount. However, since April 2013, Huntingdonshire District Council has set its Council Tax Class D discount at 0%. This means that obtaining Class D has no effect on the amount of Council Tax payable whilst the work is being undertaken. For that reason, the Council Tax Team has made the following suggestions for landlords in this situation:

Before purchasing a property, potential landlords may wish to contact the Council Tax Team to find out whether the property is occupied, and furnished.

If the property is currently occupied and furnished, the owner will be able to apply for a Class C discount, which gives a period of up to one calendar month where no Council

Tax is payable from the date that it becomes empty. This discount relates to the property and is not affected by a change of ownership; so if the property has been unoccupied and unfurnished for three weeks prior to purchase, the new owner will be entitled to claim the remaining week or so of the discount, but no more. If it has been unoccupied and unfurnished for more than a calendar month, then the new owner will not be entitled to claim Class C discount.

If the property is in such a poor state of repair, that it is derelict and uninhabitable, the new owner may contact the Valuation Office Agency (VOA) (www.voa.gov.uk) to request that the property is temporarily removed from the Council Tax Banding List, until the work is done to render it habitable again.

Please note that, whilst awaiting a decision by the VOA, the owner must continue to pay Council Tax. If their appeal is successful, they will receive a refund of any overpayment.

Landlord convicted for renting out a flat with serious hazards

A private landlord from Stotfold, Bedfordshire, has been found guilty of renting out a flat with serious hazards and has been ordered to pay almost £2,500 by Magistrates. The landlord was convicted in his absence at Luton Magistrates' Court in March 2018, following an investigation by Central Bedfordshire Council which discovered that the flat had insufficient heating, electrical hazards and risks associated with Stairs.

The landlord had previously been found guilty at Bedford Magistrates' Court in August 2016 for similar offences following complaints from tenants about their living standards. Officers from the Council's housing solutions team served an improvement notice on the landlord in April 2017 after discovering serious hazards at the property. When they re-inspected the flat in September 2017, they found that

Universal Credit is coming to Huntingdonshire

The final phases of the Government's Universal Credit roll out for working age customers goes live in Huntingdonshire on 17 October 2018.

Universal Credit replaces six legacy benefits (Income Support, Employment Support Allowance (Income Related), Job Seekers Allowance (Income Based), Child Tax Credits, Working Tax Credits and Housing Benefit) into one payment. From the 17th October 2018 anyone of working age wishing to make a new claim for one of these six benefits will be required to instead make a new claim for Universal Credit. The payment of Universal Credit will cover the personal allowance, a child allowance for any children in the household and any housing costs paid. However, residents will not be able to claim Universal Credit if they have more than two children in their household so will continue to claim the relevant existing benefits listed above.

Someone living in specified supported accommodation (accommodation where care, support, supervision is provided as part of the tenancy) can claim Universal Credit towards their personal allowance and any child allowance but the housing costs will remain to be paid through Housing Benefit.

All claims for Universal Credit are made through a secure and dedicated on-line application process. However, help is available

at the local job centre and the district council for anyone who requires assistance to make an application.

Payments of Universal Credit will be paid one month in arrears and will normally be paid to the claimant. However, housing costs can be paid to the landlord where arrears exist or the customer is considered vulnerable. Landlords can request direct housing costs payment through an Alternative Payment Arrangement (APA).

Tenants who currently receive any of the six legacy benefits listed above will remain on them until they are migrated to claim Universal Credit. Migration of these existing customers will start in 2019 and end in 2022. Those tenants who are pensioners will remain to be paid as now, with housing costs paid via Housing Benefit.

This newsletter will provide further details on the roll out of Universal Credit over the coming months but more details about Universal Credit, for landlords, can be found at www.gov.uk/government/publications/universal-credit-and-rented-housing--2/universal-credit-and-rented-housing-guide-for-landlords#support-and-alternative-payment-arrangements

the landlord had failed to comply with the notice within the time specified. After being found guilty of an offence under the Housing Act 2004 the landlord was ordered to pay a total of £2,446 in fines, costs and surcharge.

The Council said 'cases like these can be notoriously difficult to investigate and bring to court'. 'This is an excellent result and the landlord has been brought to justice'. 'Residents who rent privately should be able to do so with confidence that the conditions do not present a hazard to their health and safety'.

The landlord was previously ordered to pay a total of £8,558.34 after being prosecuted in 2016. In that case among other things the landlord failed to comply with an improvement notice or legislation requiring landlords to provide documents showing gas and electrical installations were safe.

*Source; Hitchin Comet 29/3/2018

Energy Performance Certificates (EPC)

As from the 1st April 2018 there is a requirement for any properties rented out in the private rented sector to normally have a minimum energy performance rating of E on an Energy Performance Certificate (EPC). The regulations came into force for new lets and renewals of tenancies with effect from 1st April 2018 and for all existing tenancies on 1st April 2020. It will be unlawful to rent a property which breaches the requirement for a minimum E rating, unless there is an applicable exemption. A civil penalty of up to £4,000 will be imposed for breaches. This guidance summarizes the regulations. There are separate regulations effective from 1st April 2016 under which a tenant can apply for consent to carry out energy efficiency improvements in privately rented properties.

For most landlords this will mean that they will no longer be able to rent out a property with a rating of F or G after April 1st 2018. As such landlords with properties in this EPC bracket should have ensured that their properties comply. However, there are several distinctions and exceptions.

When energy efficiency improvements are compulsory

Where at any time on or after 1st April 2018 a landlord lets a privately rented property which is F or G rated on a current legally required EPC then energy efficiency improvements must be carried out to bring the property up to at least an E rating before the property is rented out, unless the landlord qualifies for an exemption and the exemption is registered on the Public Exemptions Register.

There are several ways in which a landlord will be classed as letting a property for these purposes:

- You grant a new assured tenancy, including a shorthold
- You renew or extend an existing assured tenancy, including a shorthold, by agreement with the tenant. This can be done when you grant a fresh tenancy to the same tenant or simply agree with the tenant that the existing tenancy will be extended
- A statutory periodic tenancy comes into existence following the ending of a fixed term assured tenancy (shorthold or non-shorthold). At that point the law imposes a new tenancy on the parties where the tenant stays after the fixed term has run out. This is treated as a new letting for these purposes
- A new assured tenancy by succession comes into existence when a family member takes over a Rent Act protected tenancy
- A new tenancy is granted to a Rent Act protected tenant of the same or a different property owned by the same landlord
- An agricultural occupancy or similar tenancy is granted, renewed or extended

NB: Agricultural dwellings are not covered here.

In all the above cases the requirement to carry out energy efficiency improvements for non-compliant properties will arise where the property has a valid current EPC (i.e. not more than 10 years old) and the property is legally required to have an EPC because:

- The property which is being let or has in the past been let
- The property has been sold

- The property has been improved and building regulation requirements meant that an EPC is required

The requirement to have an EPC is not just looked at in respect of the property itself which is being let out. It also applies where there has been a requirement for the building, of which the property being let is part, to also have an EPC. This is particularly relevant to non-self-contained units such as bedsits and the position regarding these is explained below under the Section "Flats and bedsits".

It should be noted that if the letting is not legally an assured tenancy (shorthold or not) or one of the other tenancy types within the scope of the Regulations then the Minimum Energy Efficiency Standard does not apply. The sections on Assured Tenancies and the Exclusions below explain this issue in more detail.

The Examples below help explain some of these issues

These rules regarding new tenancies are ongoing from 1st April 2018 onwards but, additionally, as from 1st April 2020 they will apply to continuing tenancies which are already in existence on that date. They will then apply on an ongoing basis to continuing tenancies which have a current EPC, if there is a legal requirement for the property to have an EPC.

Continuing tenancies

From 1st April 2020 the Minimum Energy Efficiency requirement will apply to continuing tenancies where there is a valid current EPC for the property, and an EPC is legally required to be in place.

The property must therefore be brought up to the minimum E rating before 1st April 2020 to comply with the Regulations, unless an exemption is available and is claimed by being registered in the Public Exemptions Register. This applies to the following ongoing tenancies:

- Assured tenancies, including a shorthold
- Ongoing Rent Act protected tenancies. In practice, however, this means that it will only apply where the property which is let (or where it is part of a building) then the building (as a whole) has been legally required to have an EPC which is most likely to occur if it has been sold
- Assured agricultural occupancy or similar tenancies relating to agricultural dwellings

Scope of the Regulations

The Regulations apply to most, but not all, domestic private rented sector properties in England and Wales. It covers the following tenancy types:

- A tenancy which is a regulated tenancy for the purposes of the Rent Acts. In effect, this will be a tenancy where there is a Rent Act protected statutory tenancy (see further below regarding Rent Act tenancies and the circumstances in which compliance with the Regulations will be needed)
- Properties let on a tenancy which is an assured agricultural occupancy and similar tenancies relating to agricultural dwellings
- Properties let under an assured tenancy including an assured shorthold tenancy

Certain lets are outside the scope

of the assured tenancy regime and therefore, in effect, there is an additional exemption for these types of tenancy.

Properties within Scope

If a property is legally required to have an EPC then it is potentially within the scope of the Regulations. This means:

- Properties within the scope will include any domestic privately rented property which: has an EPC, and is either (i) required to have an EPC; or (ii) is within a larger unit which itself was required to have an EPC, either at point of sale, or point of let. No changes are made to existing regulations regarding the provision of EPCs. This means that it is the sale or letting of a property which can bring a property within the scope of the Regulations. Similarly, if a bedsit is part of a block that is sold, then the EPC requirement on the sale of the block will bring it within the scope of the regulations
- Flats and houses are subject to the regulations if they are legally required to have an EPC (as a result of being sold or let). In the case of flats this means a self-contained unit. Non-self-contained units such as bedsits do not require an individual EPC but may require one for the whole property
- If a property does not actually have an EPC, then the regulations do not apply

The EPC must be the current EPC if there is one and this must be no more than 10 years old. It follows that if an EPC was obtained when it was required but has run out

after 10 years there is no automatic requirement to have another one produced, so that the minimum energy efficiency requirement will not apply at that stage. A further EPC will only be needed the next time that a sale or letting takes place.

If it remains current a new EPC is not required, each time there is a change of tenancy (or a sale) so long as the existing certificate is no more than 10 years old. A further EPC can be commissioned and if this is done then this will become the current one, replacing any earlier certificate. There is no automatic requirement to produce a new EPC after carrying out energy efficiency improvements but this is recommended as the new EPC will then reflect the improvements made. A post installation EPC can likely be the easiest way for landlords to demonstrate that they have complied with the Regulations.

If an EPC has run out without there being a further trigger requiring one, then as the property no longer has a valid EPC (and there remains no requirement to have one) the property will fall outside the scope of the Regulations.

Guidance documents can be found at:

www.gov.uk/government/publications/energy-performance-certificates-for-the-construction-sale-and-let-of-dwellings

and

www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents

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/
www.cambsfire.gov.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
19 SEPTEMBER 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**