



What a year!

The SWLA membership year ended 31st October. If you have yet to renew, please do so now. It is essential that landlords receive up to date information regarding the rapidly changing legislation.

Our membership increased over the year by over 12% to a record 972, comprising both landlords and agents.

SWLAs financial status is sound with a government grant received during the first lockdown assisting with operating costs.

At the AGM in January the vice chairman stood down after 20 years on the committee and 12 years as vice chairman. The vacancy was filled by Mrs K Swain who now occupies both vice chair and treasurer positions. Iain Maitland having vacated as vice chairman accepted a new role of President and will continue to mentor, advise and represent the association.

The office has operated successfully since March with staff continuing normal hours, but without visitors. All telephone calls, emails and mail have been addressed.

After a robust start to the year all face to face training has temporarily ceased. SWLA were tasked by Torbay and Teignbridge Councils to run 9 landlord/agent courses. Seven of these were completed prior to lockdown with 2 outstanding. In addition to these courses a further 2 accreditation courses were held in Plymouth. All 9 courses were fully booked with positive feedback from attendees and local authorities.

Training courses will resume as soon as conditions allow.

The association was virtually represented at meetings with local authorities, MPs, charities, and other national associations.

Please read the articles covering the new and updated legislation in this Bulletin.

The President, Chairman, Office Staff and Committee wish you a Safe Happy Christmas and a prosperous New Year.

December 2020

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Trade Point - B&Q - 10% Discount for SWLA Members

From 12th October 2020, the discount for SWLA Trade Point members increased from 5% to 10%. Most items across the entire B&Q/TradePoint store are included (see exclusions below). The discount also applies when ordering online on the TradePoint website. Remember that it also includes promotions, so if there is a 3 for 2 deal or 10% off, you will receive the 10% discount on top.

The exclusions are:

Gift Cards

Clearance items

Selected Smart Home Products

Supplier quoted specially made items

Concessions and Services (e.g. Delivery charges and Key cutting etc)

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Once you have applied for the card, it should arrive at your home address within 3 weeks.

Pressure Continues on UK Government for Further Financial Support on Rent Arrears

SWLA have been writing to all South West MPs to advise them of the difficulties that many landlords are facing when tenants can't pay their rent due to the impact of the coronavirus crisis. When there are large amounts of arrears, landlords often have no choice but to serve tenants' notice. Landlords are faced with a long wait for possession whilst rent arrears accumulate. Many MPs have replied to our correspondence but we are yet to receive a response from Ministers. We are working hard in voicing the struggles that landlords are facing.

SWLA have a newly formed 'MP Panel' made up of SWLA members from each constituency. The panel member simply forwards SWLA letters to their MP so that our member's voices are heard across the region. It has been a great success so far and we would like to thank panel members. If you are interested in joining the panel, please contact the SWLA office.

Many other leading professional landlord/letting bodies, charities and building societies, are also urging the UK Government to provide financial help to private renters who have been thrust into rent arrears during the economic impact of Coronavirus.

As the financial fallout continues, the need to sustain tenancies wherever possible is paramount. The best way to ensure this happens is to make sure that tenants can pay their rent. A financial package should include boosting emergency funding to councils for interest free grants to support those in receipt of benefits and Government-guaranteed hardship loans for tenants, like the schemes developed in Wales and Scotland.

Social Housing White Paper Released

The government released its Social Housing White Paper - 'The Charter for Social Housing Residents'. The White Paper sets out reforms to 'provide greater redress, better regulation and improve the quality of social housing' in England.

The full paper can be read on the SWLA website newsfeed.

The proposals in the White Paper reflect responses to the social housing green paper published in 2018, in which residents from across the country were asked for their views on social housing. Almost 1,000 tenants shared their views with ministers at 14 events across the country, with over 7,000 submitting evidence online. The social housing green paper consultation response and response to the call for evidence on the review of regulation have been published.

Right to Rent Checks - New Government Guidance

New government guidance has been released to advise landlords and letting agents about how to conduct a right to rent check when letting privately rented accommodation. The guidance sets out the specific actions they can take to prevent liability for a civil penalty.

You must conduct a right to rent check before you rent to a prospective tenant to ensure they have a legal status in the UK and are therefore allowed to rent. This includes everyone over the age of 18, including British citizens, who will use the property as their only or main home, even if they are not named on the tenancy agreement and regardless of whether the tenancy agreement is written, oral or implied.

Changes from the last version of right to rent guidance

The most significant updates in this new guidance document relate to:

- the introduction of the Home Office online checking service
- the use of the combination of a passport, plus proof of travel within the preceding six months (for example a physical or electronic plane/boat/train ticket or boarding pass) for nationals visiting the UK from Australia, Canada, Japan, New Zealand, Singapore, South Korea and the USA to demonstrate a right to rent
- an amendment to the lists of acceptable documents set out in the Schedule to include Home Office documents issued to third-country family members of EEA nationals, which show the length of leave granted to such persons (both time-limited and indefinite)
- an amendment to the lists of acceptable documents set out in the Schedule to remove the requirement that a UK birth or adoption certificate must be the full (long) certificate. A short or a long birth or adoption certificate issued in the UK, Channel Islands, the Isle of Man or Ireland are now acceptable documents to demonstrate a right to rent
- further minor amendments and technical changes to the presentation of the lists of acceptable documents making it simpler for landlords to conduct the initial and follow-up checks

Lockdown checks

Please remember that where checks have been made virtually during the coronavirus period (since 30 March 2020), you should carry out retrospective checks (once the coronavirus period is over) on tenants who:

- started their tenancy during this period
- required a follow-up check during this period

You should mark the retrospective check: "the individual's tenancy agreement commenced on [insert date]. The prescribed right to rent check was undertaken on [insert date] due to COVID-19."

The retrospective check must be carried out within 8 weeks of the COVID-19 measures ending. Both checks should be kept for your records.

The Home Office will not take any enforcement action against you if you carried out the adjusted check set out in this guidance, or a check via the Home Office, and follow this up with the retrospective check.

New digital checks

From 25 November 2020, you will be able to conduct a right to rent check using the Home Office online checking service, for those eligible to use the service. This check can be carried out via live video link and as the information is provided in real-time, directly from Home Office systems there is no requirement to see documents.

If you conduct a check using the Home Office online checking service or a standard document-based 'in person' check as set out in the code of practice, it will not be necessary to conduct a retrospective check.

Possession Enforcement Suspended During Festive Period 17th November 2020 – 11th January 2021

The Government has issued a statutory instrument under emergency procedures to prevent, except in specified circumstances, bailiffs and High Court Enforcement Officers (HCEOs) attending at a dwelling house to execute a writ or warrant of possession, execute a writ or warrant of restitution or deliver a notice of eviction.

No person (including bailiffs) may attend a dwelling house for the purpose of;

- executing a writ or warrant of possession;
- executing a writ or warrant of restitution; or
- delivering a notice of eviction*

*This is not the serving of possession notices, landlords can still serve notices seeking possession.

The specified circumstances in the regulations allowing attendance are “where the court is satisfied that the claim is against trespassers who are persons unknown or where it was made wholly or partly on the grounds of anti-social behaviour, nuisance, false statements, substantial rent arrears that predate 23rd March 2020 or, in cases where the person attending is satisfied that the dwelling house is unoccupied at the time of attendance, death of the occupant”.

A case is said to involve substantial rent arrears “if the amount of unpaid rent arrears outstanding at the date on which the order for possession is granted is at least an amount equivalent to 9 months’ rent”. Any unpaid rent arrears accrued after 23rd March 2020 must be disregarded for this purpose.

Throughout the coronavirus pandemic, rules and regulations can change quickly. Keep an eye on the SWLA website and SWLA Facebook page, we post regular updates there to keep our members informed between bulletins.

SWLA Online General Meeting - a Success!

Thank you to our members who joined us for our first online General Meeting via Zoom on 21st October. We have received great feedback from many members;

"A great Zoom meeting held the other night. Good format with slides and speakers, with very relevant subjects and our chairman was good fun too! It was interesting to hear from Mark Chubb and how he and the council are prepared to help and support us. I know times are tough for many people, including us Landlords and I only speak for myself and the people I've recommended to join The Landlords Association, but the membership fee we pay is outstanding value for money."

"We found David Aggiss' session particularly useful – great insights into what's happening in the market, and very well delivered. We would welcome a return visit by David at some point as he is clearly well-informed and adds a lot of value to the understanding of the SWLA landlord. We had our EICR re-done earlier this year so took the opportunity then to make sure we were briefed on this topic. It was good to hear from Mark Chubb – not least to get a better sense of the sort of relationship which PCC wishes to have with the PRS and its responsible landlords. His session was certainly comprehensive."

Moving forward, we will be holding SWLA speaker meetings, general meeting and adhoc training updates online, on Zoom, until it is safe to meet again face to face. We will let members know of upcoming meeting via email (or post for members who do not have email).

Form Changes

Due to the coronavirus crisis, many possession notices and other landlord forms have been updated and published. We have updated our members area where you can download the forms. New forms include;

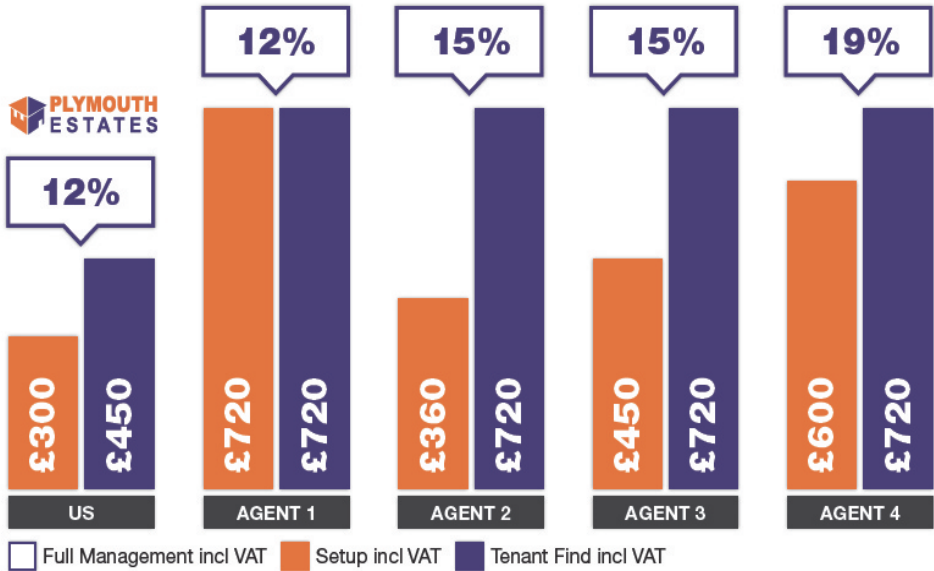
Form N5B England: Claim possession of a property located wholly in England (accelerated procedure)

Reactivation Notice (Claimant)

FORM 6A: Notice seeking possession of a property let on an Assured Shorthold Tenancy

Notes for FORM 6A

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Data taken from company websites. Correct at time of print.

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Possession Changes During the Coronavirus Crisis

Possession has become extremely complex. Here we summarise the main points of change as published in the Master of Rolls' 'overall arrangements for possession proceedings in England and Wales'.

The stay of possession proceedings came to an end on 20th September 2020. The legal system faces a combination of accrued demand from the stay, forthcoming major demand caused by economic consequences of the pandemic and reduced physical court capacity because of social distancing.

The strategy reflected in the Overall Arrangements is directed to reducing volume in the system by enabling earlier advice and increasing settlement, taking account, within limits that the law has imposed, of the effect of the pandemic on all parties, and maintaining confidence in the fairness of outcomes. These objectives are also relevant beyond the legal system, including to the economy and to homelessness.

Re-starting existing cases

No claim for possession should be re-started without careful efforts to reach compromise. Claims brought before 3 August 2020 will not be listed, relisted or referred to a Judge until a party files and serves a "Reactivation Notice" confirming that they wish the case to proceed. There is no rush - this may be done at any time from 21st September 2020 until at least 29th January 2021. A template Reactivation Notice is available from the Court Service.

In existing claims where case management directions were made before 21st September 2020, a party filing and serving a Reactivation Notice must propose new dates for directions and proposed hearing date, or state that no new directions are required and that an existing hearing date can be met.

Starting new cases

No new claim for possession should be started without careful efforts to reach compromise. Regulations both in England and in Wales provide (extended) notice periods before some new claims may be commenced.

Where a Pre-Action Protocol applies it must be complied with, and compliance will need to be shown.

All cases

For all cases there are guidelines to pre- and post-issue best practice. These include guidelines published by the Ministry of Housing and by a number of associations (see 'Pre-Action Plan').

Some claims have now been postponed by up to 6 months by reason of the stay, expiring 20th September 2020. In addition:

- (a) Claims by mortgage lenders are subject to regulatory or voluntary schemes under which, as a matter of good practice and with appropriate exceptions for priority cases, claims are postponed to 30th October 2020. After 30th October 2020 claims will still need to proceed in an orderly sequence with proper conduct and best practice observed.
- (b) The National Residential Landlords Association have published a "Pre-Action Plan: Managing arrears and avoiding possession claims". This sets out 9 "golden rules" and emphasises that "in unprecedented times ... it is incumbent on tenants and landlords to engage with each other, trying all available avenues to reach an agreement before seeking repossession through the courts." It also sets out 5 steps to take before notice is issued (including under s21 and s8, ground 8).
- (d) The Ministry of Housing published Guidance for private landlords, social housing landlords, tenants of private landlords and tenants of social housing landlords. The Guidance encourages advice, discussion, and compromise, with court proceedings as a last resort.

Enhanced information

The claimant is now required to set out what knowledge the claimant has as to the effect of the pandemic on the defendant and dependants. This includes in all existing cases where a Reactivation Notice is served, and in all new claims, including all Accelerated Possession Claims.

Under a new facility for Covid-19 Case Marking (see below) the Court file will be marked to highlight any case that is or is claimed to be a direct consequence of Covid19. The rules now also contain new requirements in appropriate cases for an updated rent account for the previous two years.

If you are planning on reactivating an existing case, proceeding with a possession case where notice has already been served, or if you are serving a new notice, feel free to contact the SWLA office and we will be happy to talk it through with you.

Reminder; the current notice period for a Section 21 notice is 'minimum 6 months-notice'. The Section 8 notice period varies depending on the circumstances, here is a reminder of the current timeframes;

	Notice before 26 March	Notice between 26 March and 28 August	Notice on or after 29 August
Grounds 1, 2, 5, 9, 16	2 months	3 months	6 months
Grounds 3, 4, 6, 12, 13, 15	2 weeks	3 months	6 months
Ground 7 (where the tenant has died)	2 months	3 months	3 months
Ground 7a (serious antisocial behaviour)	4 weeks	3 months	4 weeks
Ground 7b (no right to rent)	2 weeks	3 months	3 months
Grounds 8 (serious rent arrears) 10 (some rent arrears) 11 (late payment of rent)	2 weeks	3 months	4 weeks if you are in at least 6 months rent arrears 6 months if your arrears are below 6 months
14 (antisocial behaviour)	2 weeks	3 months	2 weeks (but the landlord can go straight to court if it's very serious)
17 (tenancy given because of a false statement)	2 weeks	3 months	2 weeks

For full information on the possession process, please visit the gov.uk website and search for the guide; 'Understanding the possession action process: A guide for private landlords in England and Wales'

North Somerset Properties Required. A message from North Somerset Council

Would you like to do more to help vulnerable refugee families escaping persecution? The vulnerable persons refugee scheme is back on and we are eager to find privately rented housing to help vulnerable families settle into the UK.

We are looking for properties in North Somerset, including Portishead, Clevedon, Nailsea and Weston-Super-Mare. Accommodation needs to be at least two bedrooms. We can offer void payments on the property whilst we prepare and get them ready for a family to occupy. We work with a team of amazing volunteers who will help to decorate and furnish the property too.

Rent can be paid directly to you the landlord at the local housing rate and in some areas, there is discretion to pay up to rental market rates. We also offer landlords a grant of up to £1000 and an interest free loan up to £5000 toward property renovation and improvements. Families are supported by a Family Support Worker with regular visits to the property. If you are interested, please telephone or email: Caroline Crossley, Project Officer for the Refugee Resettlement Team at North Somerset Council on 07824085818, [**caroline.crossley@n-somerset.gov.uk**](mailto:caroline.crossley@n-somerset.gov.uk)

New Version of the EPC Certificate Launched

On 19 September 2020, the government launched a new version of the EPC (Energy Performance Certificate). The certificate has a new modern layout and has features exclusive to the digital version.

This marks the third version of the EPC and has been designed with the future in mind. The layout is much simplified allowing for new interactive features. More information applicable to landlords and tenants can therefore be displayed.

Prominent on the certificate is the EPC Number which appears to be the same as the Unique Property Reference Numbers (UPRNs). The Lettings Industry Council (TLIC) announced in June that this is the first step on the road to Property Passports.

To compliment the new EPC, the UK government have launched a new website to host the England and Wales EPC Register. This can be found at;

[**https://find-energy-certificate.digital.communities.gov.uk/**](https://find-energy-certificate.digital.communities.gov.uk/)

This replaces the old EPC Register website which was hosted at [**www.epcregister.com**](http://www.epcregister.com). Searches can still be carried out by postcode or certificate number but in addition they can now be carried out using only the street name and town.

Article abridged from Andrew Reeves

MEES Reminder

Since 2008 an owner or landlord has, on sale, letting or construction of a property, been legally required to make an EPC available to a prospective buyer or tenant.

Since 01 April 2020, all rental properties that are legally required to have an EPC (other than those with valid exemptions) must have an EPC rating of E or higher to be legally rented out.

Coinciding with the launch of the Green Homes Grant scheme in the summer, the government also announced plans to raise the minimum energy efficiency standards for rental homes to C grade or higher from April 2025 for new tenancies, (unless they have a valid exemption).

The government is currently consulting on the proposals, with the cost cap proposed for landlords £10,000 – much higher than the current £3,500 level. Under the proposals all landlords will need to hit the targets by 2028 (unless they have a valid exemption).

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Pre-Action Plan: Managing Arrears and Avoiding Possession Claims

It was made very clear by the government in 'The Overall Arrangements for Possession Proceedings in England and Wales' published on 14th September 2020 that possession proceedings will change drastically due to the coronavirus pandemic.

We recommend that all members follow the (currently non-statutory) Pre-Action Plan below, as published by the NRLA, before serving tenants a possession notice. Or before reactivating an existing possession claim. The court will want to see that all effort has been made by the landlord to save a tenancy, in following the Pre-Action Plan, you will have evidence that all possible reasonable actions have been carried out.

It should be noted, the Housing Act has not yet been amended and so despite the requirements set out in the Pre-Action Plan, any requirement to give possession by the court remains. However, this is all about how quickly it gets to court and avoiding adjournments due to failing to follow the Pre-Action Plan.

The coronavirus crisis has brought considerable pressure on everybody, including tenants and landlords. Many have been able to weather the storm by coming to agreements over how rent is to be paid. It is important that this continues to sustain tenancies.

New rules have been brought in to protect tenants and landlords, and courts will consider the impact that the coronavirus may have had. This guide sets out what the parties should do, before considering repossession.

It is important to stress that we are in unprecedented times. It is incumbent on tenants and landlords to engage with each other, trying all available avenues to reach an agreement before seeking repossession through the courts.

What are the golden rules for dealing with rent disputes?

1. Communicate: If rent cannot be paid in part or full, tenants and landlords should discuss the situation as soon as reasonably possible. It is important for landlords to be flexible and have a frank and open conversation with their tenants at the earliest opportunity, to allow both parties to agree a sensible way forward. It is important that landlords try to understand:

- the cause of the arrears;
- whether the tenant, their dependants, or other occupiers have been affected by coronavirus and how this has impacted on their ability to pay rent;
- the tenant's general financial situation; and
- what ability there is for a payment plan to repay arrears.

2. Establish: Whether the tenant may be considered vulnerable, such as disabled or a single parent. If the tenant is in the vulnerable category, local authority housing options teams can also give advice and support.

3. Signpost: Landlords should point the tenant to organisations that may be able to provide support or advice on benefit entitlement and debt management. Your local council can also offer help and advice, including funding to help pay your rent, called discretionary housing payments (DHP). Other organisations include: Citizens Advice– 0344 411 1444
Shelter - 0808 800 4444

4. Agree: Seek to agree an affordable payment plan, based on the tenant's circumstances, where this information has been shared.

5. Be clear: Landlords should provide clear rent statements for 3-month periods (or 13 week periods, if rent is paid weekly), showing any temporary reductions in rent or deferred payments.

6. Consent: Where the tenant is claiming benefits, explore seeking consent for payment of any housing element to the landlord. As a last resort, you can also request deductions to repay arrears - but neither you nor the tenant can choose how much is deducted as they are automatically calculated. This could lead to higher deductions than a tenant feels they can afford. You can find out more by ringing the Universal Credit Helpline (0800 328 5644) – or the tenant can arrange by speaking to their work coach or UC advisor.

7. Guarantors: If there is a guarantor in place, actively involve them in discussions with tenants regarding payment of rent. Bear in mind that the financial situation of guarantors may also have changed.

8. Mediate: If you cannot initially agree, an independent mediator could help resolve your differences without the time/cost of taking a possession case to court.

9. Record: Landlords should keep copies of all documentation and a record of all contact with the tenant, and provide the information to the court should proceedings be necessary.

If agreement cannot be reached

If an agreement on a way forward cannot be reached, resulting in a new claim for possession being considered or an existing claim in progress being reactivated, it is essential that landlords and tenants continue to try to discuss the level of arrears, the tenant's financial situation and repayment of arrears.

Steps to take before notice is issued (including under s21 and s8, ground 8)

1. The landlord should write to the tenants outlining the reasons possession is being sought. If possession is for arrears, then this arrears Pre-Action Plan should be followed. A failure to do so could result in your case being adjourned, which could delay it.
2. Landlords must declare if they know of any matters that should be taken into consideration, including if tenants, their dependants, or other occupiers have been affected by coronavirus and, if so, how this has impacted on their ability to pay rent.
3. Both parties should consider whether it is possible to resolve issues between them through discussion and negotiation, rather than formal legal proceedings (alternative dispute resolution).
4. The landlord should consider any representations received, and if proceeding with a claim, include any information that has been provided relating to the impact of coronavirus on the tenant's ability to pay rent.
5. Landlords must keep copies of all documentation and a record of all correspondence or contact with the tenant, throughout the pre-action process, and provide the information to the court should proceedings be necessary.

If payment of rent is resumed by the tenant, or the tenant's circumstances have changed and a reasonable plan to repay arrears is agreed, then the landlord should postpone issuing new court proceedings, or reactivating an existing claim, whilst the tenant meets the terms of such an agreement.

Should the tenant break the terms of the agreement, the landlord should inform the tenant if they intend to start or resume proceedings. It is important that both landlord and tenant, fully engage in the court process thereafter.

The Pre-Action Plan can be downloaded from the SWLA Members Area - Stationery'

Consultation Announced; Improving the Energy Performance of Privately Rented Homes

The government are seeking views on proposals around raising energy performance standards for the domestic private rented sector in England and Wales. This consultation closes at 11:45pm on 30 December 2020.

Consultation description

The government has committed to upgrade as many private rented sector homes as possible to Energy Performance Certificate (EPC) Band C by 2030, where practical, cost-effective and affordable.

This consultation sets out a suite of policy proposals towards achieving this. These proposals will bring significant benefits to landlords, tenants and our environment including:

- reducing energy bills and increased comfort for tenants and supporting delivery of our statutory fuel poverty target of EPC C by 2030
- potential property value improvements for landlords
- delivering carbon emission savings over Carbon Budgets 4 and 5, making progress towards our net zero target

To respond please see the gov.uk website;

<https://www.gov.uk/government/consultations/improving-the-energy-performance-of-privately-rented-homes>

Consultation Announced for Improving Energy Performance Through Lenders

The government are seeking views on how mortgage lenders can help householders to improve the energy performance of their homes. The consultation closes at 11:45pm on 12 February 2021

Consultation description

Lenders could have a role in building a market for energy performance improvements. The government has been engaging with lenders, their engagement organisations, and other financial stakeholders to better understand how government can encourage lenders to innovate.

The consultation sets out a range of proposals that could improve the energy performance of mortgaged properties, and deliver substantial emissions reductions.

To respond please see; ***<https://www.gov.uk/government/consultations/improving-home-energy-performance-through-lenders>***

By participating in government consultations, you will make an impact on the outcome of the future of renting.

Green Homes Grants: Government Extends Scheme

The Green Homes Grant Scheme, under which landlords can apply for a grant of up to £5000 to improve the energy efficiency of their properties, has been extended by a year.

Launched in September 2020, the scheme was due to end on 31st March 2021. As part of a new plan for a green industrial revolution unveiled by the government this week, the scheme will now be extended until March 2022.

What the extension means in practice

As part of the Green Homes Grants scheme, landlords can apply for grants which are issued as vouchers, and cover up to two-thirds of costs, available for specific measures. The extension means the vouchers will be valid for three months from the date they are issued or until 31 March 2022 (whichever is earlier). Vouchers must be redeemed before the validity period ends. An extension of the voucher can be requested at any time before your voucher has expired, unless the scheme has been closed.

Important Dates

- 06 April 2017 – 06 April 2020 - Mortgage Interest Relief; New BTL Tax System Phased In
- 01 April 2018 – MEES (Minimum Energy Efficiency Standards) E or above for new tenancies
- 06 April 2018 – Rogue Landlord Database Introduced
- 25 May 2018 – GDPR Introduction
- 01 October 2018 – Extension of Mandatory HMO Licencing
- 20 March 2019 – Homes (Fitness for Human Habitation) Act 2018 on new tenancies
- 01 April 2019 – Letting Agent Mandatory CMP (Client Money Protection) Membership
- 20 March 2020 - Homes (Fitness for Human Habitation) Act 2018 on all tenancies
- 01 June 2019 – Tenant Fees Act (tenant fees ban and cap on deposits)
- 01 April 2020 - MEES E or above for all tenancies in scope of regulations
- 01 June 2020 - Tenant Fees Act (tenant fees ban and cap on deposits) on all tenancies
- 01 July 2020 – Mandatory 5 Year Electrical Safety Checks on new tenancies
- 01 April 2021 – Mandatory 5 Year Electrical Safety Checks on all tenancies
- 06 April 2023 – Making Tax Digital for landlords (£10k plus income)

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Consultation Announced on Mandating Smoke and Carbon Monoxide Alarms in all Rental Homes

Views required on proposals to extend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Consultation description

This consultation seeks views on:

- a. Amending the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require social landlords to ensure at least one smoke alarm is installed on each storey of the premises on which there is a room used wholly or partly as living accommodation.
- b. Amending the statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require that carbon monoxide alarms are fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers).
- c. Amending the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require private and social landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance is used (excluding gas cookers).

To respond, please see the gov.uk website; <https://www.gov.uk/government/consultations/domestic-smoke-and-carbon-monoxide-alarms>

Electrical Safety Standards Reminder

These Regulations apply in England to –

- all new specified tenancies from 1st July 2020; and
- all existing specified tenancies from 1st April 2021.

****note, if a pre 01 July 2020 tenancy rolls onto a statutory periodic tenancy after 01 July 2020, the Regulations will apply****

Following the inspection and testing, a private landlord must –

- obtain a report from the person conducting that inspection and test, which gives the results of the inspection and test and the date of the next inspection and test
- supply a copy of that report to each existing tenant of the residential premises within 28 days of the inspection and test
- supply a copy of that report to the local housing authority within 7 days of receiving a request in writing for it from that authority
- retain a copy of that report until the next inspection and test is due and supply a copy to the person carrying out the next inspection and test; and
- supply a copy of the most recent report to -
any new tenant of the specified tenancy to which the report relates before that tenant occupies those premises; and
- any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

Action needed in the event of an Unsatisfactory Report:

Where an Electrical Installation Safety Report identifies urgent remedial work or requires Further Investigation, the private landlord must ensure that this required work is carried out by a qualified and competent person within:

- A. 28 days; or
- B. the period specified in the report if less than 28 days, starting with the date of the inspection and testing.

The landlord must then-

- A. obtain written confirmation from a qualified and competent person that the further investigative or remedial work has been carried out and that the electrical safety standards are met; or further investigative or remedial work is required;
- B. supply that written confirmation, together with a copy of the report which required the further investigative or remedial work to each existing tenant of the residential premises within 28 days of completion of the further investigative or remedial work and also to the local housing authority within 28 days of completion of the further investigative or remedial work.

For further information, see the SWLA website newsfeed

Mayor of London Launches Licence Checker

The Mayor of London, Sadiq Khan, has launched a licence checker online tool which aims to protect the 'wellbeing of London's private renters' to help them discover if their landlord has properly licensed their home.

Property licensing is a tool that boroughs in London can use to enforce decent standards in the private rented sector. Some privately rented homes in London need a property licence and the landlord of that property is responsible for obtaining it. Holding the correct property licence is a legal requirement and demonstrates that the property is suitable for occupation and managed to an acceptable standard.

Enforcement action

If a landlord does not hold the correct property licence, they may be subject to enforcement action from their local council, but the implications for renters are also significant: Section 21 'no fault' eviction notices are invalidated and they may be entitled to a Rent Repayment Order requiring a landlord to pay back up to 12 months' rent. The current average rent in London is around £1,425 per month, meaning a year's worth of repaid rent would come to more than £17,000.

The online tool

The Checker hopes to empower renters and also provide intelligence to help boroughs target their enforcement against rogue landlords – especially those who have failed to register licences for larger houses in multiple occupation (HMOs), where some of the poorest property conditions are found in London.

Article abridged from ARLA/PropertyMark



For many years Landlord Insure UK have advised & supported SWLA members with regard to their Landlords insurance needs with comprehensive cover and exclusive discounts – we are specialist independent insurance brokers and can offer you a wide choice of policies which can be tailored to your individual needs. Our dedicated Team constantly review the market on your behalf and would be delighted to offer you a free, without obligation quote at your next renewal date.

Freephone 0800 7316689 Ext 899

Email: schemes@bateman-group.co.uk

Website: www.bateman-group.co.uk

NOTICE BOARD

SWLA stationery

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E-Mail address

If you change your email address **PLEASE TELL US** otherwise you might miss important messages from us!

KBG CHAMBERS - Barristers – Plymouth, Truro & Exeter

We will support members with legal advice and representation through public access. KBG cover all areas of Property Law.
Call 01752221551 or email Colin Palmer, Senior Clerk, on colin@kbgchambers.co.uk

Rory Smith, Enigma Solicitors

Rory Smith is a highly experienced specialist in a wide range of disputes and their resolution. Rory can also recommend to you other law firms in Plymouth who will all offer free initial advice to SWLA members in other specialist areas.
Contact Rory on 01752 600567 or by email at rls@enigmaweb.com Enigma is located 5 minutes away from SWLA's office at Farrer Court, 77 North Hill PL4 8HB. The office is open 8:30 a.m. until 5:00 p.m. weekdays.

Richard Gore Solicitor in Bristol Richard is with Greg Latchams on 0117 9069424 and will support initial telephone calls to discuss your problems

Did you know that SWLA have a trade listing of local businesses? Head to the SWLA website 'Trade Directory' for all of your landlord needs from Gas Safety Checks to Building Services

SWLA

South West Landlords Association

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You can contact our answerphone service on 01752 510913 or E-mail us at info@landlordssouthwest.co.uk, visit our website www.landlordssouthwest.co.uk

Or visit our office in Dale Road, it is open week days from 10am to 3pm

The association provides assistance and advice. However, the Association does not hold itself out as providing specialist legal advice and therefore whilst written and oral advice is given in good faith, no responsibility can be accepted by the association, its officers or members for the accuracy of its advice, or shall the association be held liable for the consequences of reliance upon such advice.