

Bailiff Enforced Eviction Ban Ended 31 May 2021

Landlords with court orders awaiting action from County Court Bailiffs can enforce them from 01 June 2021. Backlogs are expected. Bailiffs will continue to give tenants 14 days' notice unless serious circumstances apply. Evictions will not proceed if someone in the home has Coronavirus or is self-isolating.

From 01 June 2021 Notice Periods in England that were Six Months, are now Reduced to Four Months.

Section 21 Minimum Notice Periods

Prior to 26 March 2020 – 2 months

26 March 2020 – 28 August 2020 – 3 months

29 August 2020 - 31 May 2021 – 6 months

01 June 2021 – 30 September 2021 – 4 months

01 October 2021 onwards – Should be 2 months, this is to be confirmed, pandemic dependant.

Section 8 Minimum Notice Periods From 01 June 2021

The notice periods for rent arrears grounds 8, 10 and 11 has changed to:

- four months if the rent arrears are less than four months in total at the time the notice is served; or
- four weeks if the rent arrears are more than four months in total at the time the notice is served and no other ground is being relied on.

Notice periods for the most serious cases will remain lower:

- Ground 7 Death of a tenant (2 months' notice)
- Ground 7a Serious anti-social behaviour (4 weeks'/1 months' notice)
- Ground 7b No right to rent in the UK (2 weeks' notice)
- Ground 14 Nuisance/annoyance, illegal/immoral use of property (None- proceedings may be commenced immediately after service of notice)

All grounds and notice periods can be found on the gov.uk website.

Section 8 Minimum Notice Periods From 01 August 2021

The notice periods for rent arrears grounds 8,10 and 11 will change again to:

- two months if the rent arrears are less than four months in total at the time the notice is served; or
- four weeks if the rent arrears are more than four months in total at the time the notice is served and no other ground is being relied on.

Section 8 & Section 21 Minimum Notice Periods From 01 October 2021

Subject to Public Health advice, notice periods are expected return to pre-pandemic levels from 01 October 2021. This is to be confirmed.

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June 2021

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GDPR: ICO registration reminder

New Eviction Mediation Guidelines Issued to Landlords by Government

& much, much more inside!

New Section 21 & Section 8 Forms

On 01 June 2021, the government published new possession notice forms. If you served your tenant notice anytime after 4.30pm on Friday 28th May 2021, the new forms must be used. The updates to the forms reflect the shorter notice periods.

Remember the notice periods are 'minimum', therefore, you should give a few extra days to ensure that you aren't giving your tenant any less than the minimum notice required.

Pre-Action Plan & Understanding Possession

If you are planning to serve notice to your tenant, the first step is to thoroughly read the government guide; 'Understanding the possession action process: A guide for private landlords in England and Wales'. Since Covid, possession has become more complicated. The guide talks you through each stage step by step and includes information that will ensure a smooth possession procedure. Within this guide (and on the SWLA website members area) you will find a link to the 'Pre Action Plan' which landlords should follow prior to serving notice.

Further Inheritance tax relief in your Will - The Residential Nil Rate Band Allowance

It is often a good idea to review your Will to consider what the value of your estate is in relation to the available tax free allowances your estate can claim on your death.

You are no doubt aware that we each have a Nil Rate Band Allowance before Inheritance Tax becomes payable on our estate. The present figure stands at £325000.

If however, you are married or in a Civil Partnership, there is a spousal exemption. This means that you can leave any amount to your surviving spouse or Civil Partner free of Inheritance Tax. This effectively means that the first party will not have used their Nil Rate Band Allowance when they died. Present legislation allows for the survivor of a couple to reclaim the unused Nil Rate Band Allowance of the first party to die on their death.

Fairly recently the government decided to extend Inheritance Tax allowances by implementing the additional relief known as the Residential Nil Rate Band Allowance.

In order to qualify you must :-

- Die on or after 6 April 2017.
- Own a property or a share in a property which passes under your Will.
- Leave your interest in the property to direct descendants such as your children or grandchildren.
- The value of your estate must be less than £2,000,000.

Residential Nil Rate Band Allowance available

- £175,000 per person (or two times this amount if you are the surviving party of a marriage or civil partnership)

As with the Nil Rate Band Allowance the Residents Nil Rate Band is also transferable to the surviving spouse or Civil Partners estate.

An estate will also be eligible for the RNRB where an individual has downsized to a less expensive property or has sold or given away their home after 7 July 2015.

The only stipulation is that the property which you want to take into consideration has to have been your home at some point. A holiday home can still qualify but the RNRB allowance is only available on one property, therefore it would be beneficial to claim the RNRB against your most expensive property if you have more than one.

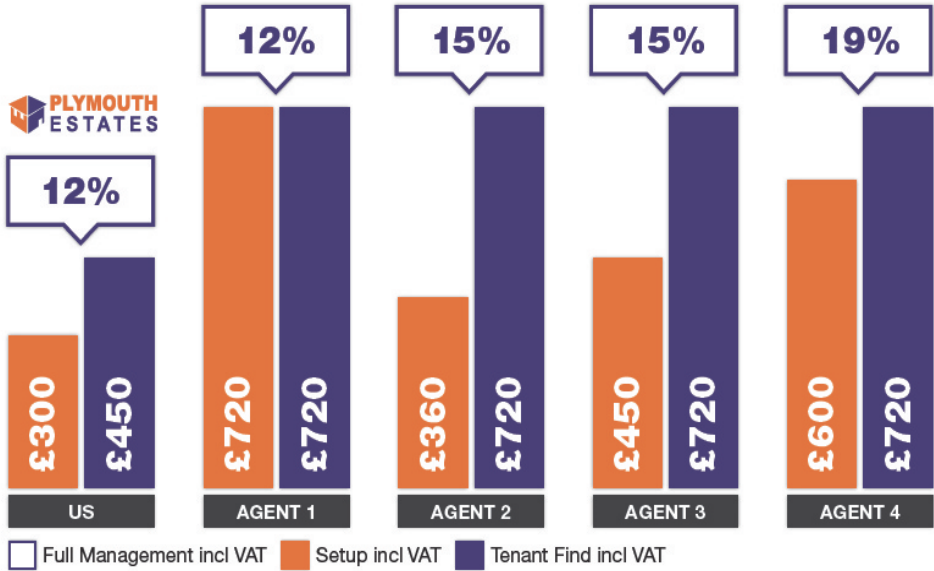
It must be remembered however, a buy to let property will NOT qualify unless you have lived in the property as your home at some point in your life.

Next Step

Call a solicitor to discuss! Melanie at Roper James is happy to review your Will. They can discuss your individual circumstances and if necessary, prepare a bespoke Will to meet your needs for the future.

Telephone Melanie Cotterill on 01752 546448 for your free initial appointment to consider your Inheritance Tax position

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Pets in Rented Accomodation – What are the Latest Updates?

The government released a new Model Tenancy Agreement on 28 January 2021.

The government's Model Tenancy Agreement was revised to encourage landlords to offer greater flexibility in their approach to pet ownership, and enable responsible pet owning tenants to find private landlords who will accept them.

This means that if landlords use the UK government's new Model Tenancy Agreement, landlords will now have to consider requests for pets as the default position and will have to object in writing within 28 days of a written pet request from a tenant and provide a good reason if they chose to decline the request.

Use of the government's new Model Tenancy Agreement is voluntary and there has been no change in the law regarding the keeping of pets. The Model Tenancy Agreement is simply a template.

What does this mean for landlords who do not use the government's Model Tenancy Agreement?

SWLA already encourage members to refrain from issuing blanket bans on pets. In the SWLA Assured Shorthold Tenancy agreement it states;

THE TENANT(S) WILL:-

18. Not keep or permit to be kept any pets or animals without the prior written consent of the Landlord (such consent shall not be unreasonably withheld but may be withdrawn where such pet or animal is or becomes dangerous to others)

Therefore, if using the SWLA tenancy agreement, pet requests should be considered by each applicant. If you have a reason to refuse the pet, this can be done, as long as you have considered the request.

Most landlords who decline tenants' requests for pets do so due to the worry of potential damage to the property or pest infestations. Since the Tenant Fees Act 2019 came into force on 1 June 2019 landlords and letting agents in England are only able to take a tenancy deposit of up to five weeks rent for the duration of the tenancy. Therefore, an extra pet deposit would not be an option if it exceeded the five-week cap.

Rent can be increased to replace a Pet Premium on the Tenancy Deposit as long as it is advertised correctly.

Will the law change to allow tenants to keep pets?

Dogs and Domestic Animals (Accommodation and Protection) Bill – England-

This is an idea proposed by a backbench MP as a Private Members' Bill to establish rights to keep dogs and other animals in domestic accommodation. Currently, the Bill does not have support from the UK Government and no date has been set for a Second Reading. Therefore, it is unlikely to pass into law. However, we will monitor the issue and keep our members updated.

The plus side of allowing pets!

Those landlords who do allow pets will normally find that it is considerably easier to fill their properties and that once in, tenants stay for a longer time (avoiding voids).

Queens Speech May 2021 – Changes Coming for Landlords

The government has pledged to bring The Renters Reform Bill to Parliament. The Bill is likely to include the scrapping of Section 21 'no fault' evictions, the introduction of lifetime deposits and the introduction of a landlord ombudsman.

A white paper is due out later this year which will outline government policy and future changes in the Private Rented Sector.

It is expected that new rules will not come into force until Spring 2023.

Letting Agents Need to Have Complied with Client Money Protection Legislation by 01 April 2021

Letting and property agents in England must belong to a client money protection scheme. On 01 April 2021 the two-year grace period came to an end.

It has been mandatory for letting agents in England who hold client money to belong to a client money protection scheme since 01 April 2019.

Letting agencies can be fined up to £30,000, if they do not belong to an approved client money protection scheme, and up to £5,000, if they don't display their certificate of membership or provide it when asked.

Client money protection schemes protect landlords' and tenants' money in the event of theft or misappropriation by agents and ensure that they are compensated. Client money protection also protects landlords' and tenants' money should an agency experience financial difficulties – if it was to go into administration, for example.

There are currently six government-approved client money protection schemes – Client Money Protect, Money Shield, Propertymark, RICS, Safeagent (previously NALS), and UKALA Client Money Protection. In order to join a client money protection scheme, agencies will need to hold their clients' money in an account with a bank or building society authorised by the Financial Conduct Authority. Agencies are also expected to have strong client money handling procedures in place.

Agencies will need to display the certificate confirming their membership of an approved client money protection scheme in a visible location in each of their premises and on their website. It's also recommended that they publish a copy of their membership certificates on third-party websites and alongside listings on portals. Agents must provide a copy of the certificate from their approved scheme to anyone who reasonably requests it, free of charge.

Article abridged by Goodlord

What happens from 01 June 2021, can landlords who have already served 6 months notice serve a new notice with the shorter 4 month notice period?

The simple and fair answer is no. Head of the ARLA Propertymark Legal Helpline gives reasons here;

“The answer may be “no”. There is a concept in English law which suggests that if a landlord does something – for example serves a notice – and the tenant relies on that to his detriment, then the landlord cannot change his position. The principle is called estoppel.

It could apply where a tenant received a 6 month notice, made arrangements to view other properties appropriate to that notice and incurred expenses as a result. If a second Section 21 notice expired before the original 6 month deadline, a tenant could argue that the second notice was effectively invalid.

Please make sure landlords are aware of the potential risk before serving a second Section 21 notice if an earlier notice is still current.”

To be fair to tenants, existing notice periods should be honoured. Legal advice should be sought if landlords decide that they would like to attempt to re-serve a shorter notice period after already serving a notice prior to 01 June 2021.

Important Dates

- 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
- 01 April 2021 – Deadline for agents to comply with mandatory client money protection
- 04 May 2021 – Debt Respite Scheme in force
- 31 May 2021 – Bailiff enforced eviction ban ended
- 01 July 2021 – Changes to right to rent checks for EU, EEA & Swiss citizens
- 06 April 2023 – Making Tax Digital for landlords (£10k plus income)

Official – ‘No Significant Covid Rent Arrears & No Pile Up of Possession Cases’

The government has produced figures that counter the long-running claims by rental sector activists that there has been a build-up of both arrears and possession cases during the pandemic.

Lord Stephen Greenhalgh - a minister of state at the Ministry of Housing, Communities and Local Government - was speaking in a House of Lords debate on the sector.

Addressing a suggestion from a member of the Lords that some 353,000 private tenants were in arrears, he said: "Although we have seen an increase, according to the survey, in the number of renters in arrears, the vast majority of them—some two-thirds—have arrears of no greater than two months ...

"... My Lords, we are aware of the exhortations from many organisations, but we consider that the increase in rent arrears is not statistically significant between the two surveys. It went from seven per cent to nine per cent. We also recognise that we have provided a substantial package of support for renters during the pandemic, including legislative protections and unprecedented financial support."

And addressing claims that there will be some kind of tidal wave of possession cases and evictions in the near future - possibly when the bailiff-enforced eviction ban finishes at the end of this month - Lord Greenhalgh adds: "My Lords, I am not aware of a pile-up in the courts. Indeed, we have actually seen a massive drop in the number of repossession cases. It decreased to 262 repossessions in January to March 2021—a reduction of some 96 per cent—and 214 local authorities had no landlord repossessions at all."

Financial support for private rented sector tenants remained in place with the job retention furlough scheme and Universal Credit uplift are available until the end of September, while for renters who required additional support, £140 million of discretionary housing payments were available.

Lord Greenhalgh also batted away calls - from landlord associations - that there should be an English equivalent to the system of Covid-arrears loans currently available to private tenants in Scotland and Wales.

Lord Greenhalgh told peers: "My officials carefully studied the Scottish and Welsh schemes to support tenants with rent arrears. I understand that a relatively small number of loans have been made by these schemes. Indeed, the government continue to believe that it is right to provide non-repayable financial support rather than encouraging further debt."

SWLA continue to lobby on behalf of our landlord members. We have had numerous calls from numerous members who have tenants with significant rent arrears. Some tenants being unable to pay due to a change in circumstances but most not willing to pay despite receiving a reasonable income and or housing benefit/Universal Credit to assist with the rent payments. We are hoping that the government will notice and address the financial burden that has been placed on landlords throughout the Covid pandemic.

Article Abridged from Landlord Today

Stamp Duty Land Tax: Temporary Reduced Rates

Reduced rates of Stamp Duty Land Tax (SDLT) will apply for residential properties purchased from 8 July 2020 until 30 June 2021 and from 1 July 2021 to 30 September 2021 inclusive.

Rather than ending on 31 March 2021, the temporary nil rate band of £500,000 will be in place until 30 June 2021. Then from 1 July 2021 to 30 September 2021 the nil rate band will be £250,000. The nil rate band will return to the standard amount of £125,000 on 1 October 2021.

Higher rates for additional properties

The 3% higher rate for purchases of additional dwellings applies on top of temporary reduced rates for the period 8 July 2020 to 30 June 2021, and for the period 1 July 2021 to 30 September 2021.

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Electrical Safety Standards – All tenancies now require an Electrical Safety Inspection

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

These Regulations apply in England to –

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

EICR Frequently Asked Questions

What do landlords do with the EICR report?

Landlords must obtain a report (usually an Electrical Installation Condition Report or EICR) from the person conducting the inspection and test which explains its outcomes and any investigative or remedial work required.

Landlords must then supply a copy of this report to the tenant within 28 days of the inspection and test, to a new tenant before they occupy the premises, and to any prospective tenant within 28 days of receiving a request for the report.

If a local authority requests it, landlords must supply them with a copy of this report within 7 days of receiving the request.

If the report requires remedial work or further investigation, landlords must provide written confirmation that the work has been carried out to their tenant and to the local authority within 28 days of completing the work.

Landlords must retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.

What if a tenant won't let me in, or I can't find an inspector?

A landlord is not in breach of their duty to comply with a remedial notice, if the landlord can show they have taken all reasonable steps to comply.

A landlord could show reasonable steps by keeping copies of all communications they have had with their tenants and with electricians as they tried to arrange the work, including any replies they have had. Landlords may also want to provide other evidence they have that the installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous safety reports.

If an inspection took place and a satisfactory report was issued before the 18th edition of the Wiring Regulations came into force, but less than 5 years ago, will a landlord always need to have the property inspected again as soon as the Electrical Safety Regulations come into force?

Regulation 3 requires that landlords have the electrical installation inspected and tested at intervals of no longer than every 5 years. Electrical safety standards (the 18th edition of the Wiring Regulations) must be met throughout the period of that tenancy.

The 18th edition of the Wiring Regulations came into effect in 2019, so if a landlord already has a report for a property that was carried out after this date and has complied with all the other requirements of the Regulations, they won't have to have another inspection for 5 years, provided the report does not state that the next inspection should take place sooner.

Existing installations that have been installed in accordance with earlier editions of the Wiring Regulations may not comply with the 18th edition in every respect. This does not necessarily mean that they are unsafe for continued use or require upgrading.

It is good practice for landlords with existing reports to check these reports and decide whether the electrical installation complies with electrical safety standards. Landlords might also wish to contact the inspector who provided a report to ensure the installation complies with the electrical safety standards.

Continued on next page...

If you need an electrician, you can find one on the SWLA website trade directory or search the following; www.electricalcompetentperson.co.uk www.search.napit.org.uk
For further information, please see the gov.uk guidance; 'Guide for landlords: electrical safety standards in the private rented sector'

EICR Intervals – Clarification

It has been brought to our attention by SWLA members that following an Electrical Safety Inspection, some inspectors are wrongly stating on EICRs that the next Electrical Safety Inspection is due in '5 years or change of occupancy.' This has been causing concern and confusion for landlords as the regulations talk about 'regular intervals', not events such as a change of tenancy.

In particular, reg 3(2) says:

(2) For the purposes of sub-paragraph (1)(b) "at regular intervals" means—

(a) at intervals of no more than 5 years; or

(b) where the most recent report under sub-paragraph (3)(a) requires such inspection and testing to be at intervals of less than 5 years, at the intervals specified in that report.

Landlords understand that between tenants, the electrics are to be visually checked (by landlords if they are competent to do so) to ensure that the property is safe for the new tenant moving in. That along with providing an in date EICR would be sufficient for a landlord to know that the electrical condition of the property is good and that legislative duties have been met. (Note - If any tampering evidence is noticed, or any over use/high turnover of tenants occurs, the landlord should instruct a new Electrical Safety Inspection).

We have written to Local Authorities, The Ministry of Housing Communities and Local Government, PRS training providers and NICEIC. The outcome being that a landlord does NOT need to obtain a new EICR upon a change of tenant despite what the certificate says. 'Change of tenant' is not an interval.

MHCLG have confirmed that this should not be appearing on reports. They have also confirmed that they have spoken to the relevant trade bodies to make it clear they should update any outdated guidance they have.

Landlords can speak to their inspector before an inspection takes place and discuss whether they think including 'change of tenancy' on an EICR is appropriate. The vast majority of inspectors are issuing EICRs correctly so this should highlight any that aren't.

If your EICR has 'change of tenancy' written on it already then you should query this with the inspector and ask them to speak to their trade body for guidance. The trade body should then provide them with the correct way to complete an EICR.
If any of our members need guidance on this, feel free to call the SWLA office and we will be glad to help.

SWLA Trade Directory

Our Trade Directory of local, valued businesses is growing in numbers each month. If you need a tradesperson, electrician, plumber, builder, financial advice, an insurance quote, a damp specialist, tax advice, legal advice etc then do feel free to use the listing to find reputable businesses.

We are taking on new trade businesses throughout the year so if you have received a brilliant service for a landlord related issue, please let them know that they can get in touch and apply to be listed on our directory.

Debt Respite Scheme (Breathing Space) now in Force

The Debt Respite Scheme (Breathing Space) came into force on 4 May 2021. The creditor service is currently being developed.

The Debt Respite Scheme (Breathing Space) will give someone in problem debt the right to legal protections from their creditors.

There are two types of breathing space: a standard breathing space and a mental health crisis breathing space. Where there is a difference between them, we will refer specifically to either a standard breathing space or a mental health crisis breathing space. Where there is no difference, we will simply refer to a breathing space.

A standard breathing space is available to anyone with problem debt. It gives them legal protections from creditor action for up to 60 days. The protections include pausing most enforcement action and contact from creditors and freezing most interest and charges on their debts.

A mental health crisis breathing space is only available to someone who is receiving mental health crisis treatment and it has some stronger protections. It lasts as long as the person's mental health crisis treatment, plus 30 days (no matter how long the crisis treatment lasts).

The legislation this guidance references is The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020. This guidance is intended to support creditors in understanding the regulations.

Creditors

As a creditor, if you are told that a debt owed to you is in a breathing space, you must stop all action related to that debt and apply the protections. These protections must stay in place until the breathing space ends.

The electronic service will send you a notification to tell you about each debt owed to you in a breathing space and the date the breathing space started. You need to make sure you apply the protections to these debts from the date set out in the notification.

If you are a creditor, it is also possible your debt might be added to a breathing space at a later date, because it is only identified after the breathing space has started. In this case, you must apply the protections from the date you get the notification, or when the regulations consider you to have received it, whichever is the earliest.

For electronic notifications this is the date they are sent. For postal notifications this is 4 working days after it was posted.

If you have any questions about a breathing space you've had a notification for, you should contact the debt advice provider whose details are in the notification.

Qualifying debts

Debts included in a breathing space must be qualifying debts. Debts are any sum of money owed by the debtor to you, while liabilities are any obligation on the debtor to pay money to you. Most debts are likely to be qualifying debts. These include rent arrears, mortgage arrears, credit/store cards, personal loans, overdrafts and utility bill arrears.

Qualifying debts can include any that the debtor had before the Breathing Space legislation came into force on 4 May 2021.

New debts incurred during a breathing space are not qualifying debts. Neither are new arrears on a secured debt that arises during a breathing space.

Summary for Landlords

During a breathing space period, landlords and agents will not be able to take any enforcement action against tenants in rent arrears. They won't be able to serve Section 8 notices or take possession of the property if notice was served before the start of the breathing space. Landlords cannot apply for a warrant or money judgement or receive a possession order during the breathing space. Landlords cannot contact tenants to ask for payment of arrears or for any judgements against former tenants for damage to the property or other unpaid bills during the breathing space period.

Landlords can continue to contact their tenants around topics unrelated to the debt, for example regarding maintenance and repairs. Landlords can respond to tenants if their tenants reach out to them directly to discuss their debts.

For full information please see the gov.uk website.

GDPR: ICO registration reminder

The General Data Protection Regulations (GDPR) came into effect on 25 May 2018.

The ICO have announced they will be writing to the 'real estate sector' as part of a campaign to remind those in the sector that they may have a legal responsibility to register with the ICO and pay a fee.

Landlords are being reminded by the Information Commissioner's Office (ICO) to check whether they need to register and pay a fee, if they have not already done so.

In most cases landlords will need to register with the ICO and pay a yearly fee.

Those who receive a letter are advised to check if they need to register and pay the fee. The ICO has also developed a self-assessment tool for people to use to check if they need to pay a fee, and the answers to some frequently asked questions can also be read on the ICO website.

Those who believe they are exempt should also let the ICO know by 2 July 2021.

As a landlord, you will hold a significant amount of personal data about tenants, guarantors and prospective tenants. As you are responsible for the collection and the use of this information, this makes you a 'data controller'. It is the responsibility of the data controller to ensure that personal information is used in line with the principles of GDPR.

For more information, please see the SWLA GDPR Landlord's Guide on the members area of the SWLA website.

New Eviction Mediation Guidelines Issued to Landlords by Government

The government has revised its guidelines for its new mediation scheme. It's free to use for landlords and tenants and will involve as a third party an independent, trained, neutral mediator to help identify issues and work to resolve them. Remote mediation is likely to happen within 10 days of referral.

When mediation is offered

As part of your housing possession case, your case will be listed by the court for review. This is before any substantive court hearing. If an agreement is not reached at review, you and the other party agree, and the case is deemed suitable, then the case will be referred to mediation. The court can then arrange for your case to be mediated.

If both parties cannot agree to a solution at mediation, your case will continue to a full hearing. The court will not be told any of the mediation details. Mediation will be conducted remotely, by telephone.

What happens next

If mediation succeeds and you are happy with the proposed solution, you will sign an agreement, which will be put in front of a judge for approval. The agreement will explain what actions each party must take next. You can apply to the court to enforce the agreement if it is broken by the other party. If mediation is unsuccessful, the process will proceed as normal.

SWLA Landlord Training

During the Covid period we have continued to run Landlord Accreditation Courses, Landlord Courses and Landlord Training Webinars for members online, instead of in person.

As much as we are looking forward to providing in person courses in the near future, for now, we continue to run them online until such time that is fully safe to get back to normal.

Keep an eye on the training page of our website where all dates can be viewed. We will also email members with course dates as they are secured.

Free SWLA Training Webinars

We have been holding regular free training webinars for our members via Zoom. They are presented by Stephen Fowler and cover a range of landlord topics. Keep an eye on your emails and we will let you know when they are coming up, simply contact the office to book. You can view all upcoming training information and dates on the 'Training' area of our website.

'Covid Adjusted' Virtual Right to Rent Checks Extended

The Home Office has extended the period in which landlords in England can carry out Right to Rent checks by video call by a further month to 20 June 2021.

In April 2021, the UK Government declared that 'Covid adjusted' checks carried out with applicants submitting scanned or photographed documents, would end on 16 May 2021. This date has now been pushed back, aligning it with other measures to ease restrictions in England. This revision allows an extra month of virtual checks.

The Home Office has dropped plans for all 'Covid adjusted' checks carried out since 20 March 2020, to be repeated with full in-person checks within eight weeks of temporary arrangements ending. Therefore, please note, if you did a virtual check during the Covid period, you do NOT need to carry out a repeated check in person when the measures end.

From 21 June 2021, all landlords will need to revert to in-person Right to Rent Checks in accord with the Code of Practice. The only exception to this will be applicants with a Home Office status who offer a digital share code.

For any Right to Rent queries, visit the gov.uk website or call the landlord helpline on 0300 790 6268.

Only 39 Rogue Landlords and Agents Hit with Banning Orders

Only 39 landlords and agents have received government banning orders since new powers came into force three years ago to remove England's worst rental property owners.

Laws introduced in April 2018 empowered local authorities to issue banning orders to the most serious offending landlords and agents operating in their communities. Those handed a ban are prevented from renting out properties, engaging in property management or letting agency work.

Banning orders can be handed out for 41 separate offences including: unlawful eviction or harassment; using or threatening violence to gain entry into a premises; non-compliance with fire safety regulations, improvement notices and a range of other regulations.

But since the new powers were introduced, only a small number of people have been placed on the database, according to data obtained by the Guardian as a result of a freedom of information request to the Ministry of Housing, Communities and Local Government .

Before the database was launched, the government claimed that 10,500 rogue landlords were operating in England and that it expected more than 600 of the worst offenders would make it on to the database. Only 39 entries from 25 local authorities have been made so far.

Responding to the figures, Polly Neate, chief executive of Shelter, said that renters should have access to the database so they could "make informed choices and steer clear of rogues". She called on the government to introduce a national register of all landlords to help hold the industry to account.

Article Abridged from The Guardian

Green Homes Grant Axed

The Government axed its Green Homes Grant scheme just 6 months after it was announced. There were issues with eligibility and sourcing installers.

Applications to the Green Homes Grant scheme closed on 31 March 2021.

If you applied for a voucher before the closing date, your application will still be processed.

If you have already been issued a voucher, you can still use it to get the work done. You should redeem your voucher before it expires.

For any enquiries, contact the gov.uk Green Homes Grant team on **0300 131 0053**

Fines for HMO Landlords

There has been a series of high-profile fines for landlords and property companies of houses in multiple occupation (HMOs) during April for offences related to fire and electrical safety, highlighting the importance of using legitimate, well-trained, and responsible letting agents to manage property.

The fines, which range from £6,000 to as high as £60,000, were delivered to landlords for offences that include faulty fire detectors, lack of fire doors and electrical defects.

All the fines were to landlords or property companies for failing in their responsibilities to ensure their properties are safe for the tenants, with most of them linked to fire or electrical safety.

On 13 April, Ipswich based Frances Investments and the property owner were convicted on 10 charges after a visit by Suffolk Fire and Rescue found a range of fire safety concerns, in particular the use of an illegal and unsafe basement flat and a lack of fire doors. The offences resulted in a £29,000 fine for the property owner, while Francis Investments had to pay £7,250.

In East London, two landlords were ordered to pay costs and fines totalling over £61,000 for multiple housing offences, specifically the position and condition of appliances in the kitchen, the potential of structural damage to a loose wall at the front of the property and an unsecured back door.

After a fire left six tenants homeless in Barnet, a property company and its director were fined £10,000 after the council found that the property was an unlicensed HMO with no fire doors, no fire extinguishers and an inadequate fire alarm.

Finally, the most recent of the fines took place in Reading, where the landlord was ordered to pay £6,000 for failing to maintain an HMO, which was in significant disrepair, had faulty fire detectors and a damaged fire door.

Article abridged from ARLA

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Changes to Right to Rent Checks for EU/EEA Citizens from 01 July 2021

The Home Office has released a draft revised Right to Rent Code of Practice in readiness for changes to checks in England from 01 July 2021.

Landlords will move from checking nationality to checking UK Immigration Status of all adult applicants. If someone is an EEA, EU, or Swiss national, you will need to see evidence of their UK immigration status rather than their national identification. The UK has left the European Union (EU) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 ended free movement law in the UK on 31 December 2020. On 01 January 2021, a grace period of six-months began, during which time relevant aspects of free movement law have been saved to allow eligible EEA and Swiss (EEA) citizens and their family members resident in the UK by 31 December 2020 to apply to the EU Settlement Scheme. This period ends on 30 June 2021. From 01 July 2021, EEA citizens and their family members require immigration status in the UK, in the same way as other foreign nationals. They can no longer rely on an EEA passport or national identity card, to prove their right to rent.

Most EEA citizens resident in the UK will have made an application to the EU Settlement Scheme and will have been provided with digital evidence of their UK immigration status. They will evidence their right to rent by sharing their immigration status digitally, using the Home Office online right to rent service. It's called 'View and Prove'.

There will, however, be other EEA citizens who have another form of leave in the UK, which is held in a physical document, for example an endorsement in a passport, visa or vignette. Those documents are included in the prescribed document lists in the 'Landlord's guide to right to rent checks' (which will be updated on 01 July 2021). See the 'Landlord's guide to right to rent checks'.

Permanent Right to Rent for EU Nationals

Many tenants will still have a permanent right to rent;

- Irish nationals can still establish permanent right to rent by showing their passport, identifying them as Irish national.
- Other EU nationals can establish permanent right to rent by showing a current residence card.
- Where an EU national has settled status, they can use the 'view and prove' share code.
- Where an application to stay or remain in the UK has been made before 30 June 2021 and the tenant has no documentation, the landlord can refer to the Landlord Checking Service on the gov.uk website.

Once you have checked the above, there is no need to re-check.

How to Use 'View and Prove':

- Ask your tenant to log into the 'View and Prove' service and then click 'prove your status'
- The tenant will then need to select the reason they want to share their status - to prove their right to rent - and will be shown a preview of the information that will be shared with the landlord.
- The tenant then clicks 'create share code', which will supply a share code which will be valid for 30 days.
- The tenant will need to provide this share code, along with their date of birth, to the landlord or letting agent. They can email this to the letting agent directly through the 'View and Prove' service, printing the screen, writing down the code or telling them the code.
- The landlord or letting agent can then enter the tenant's share code and date of birth at the government's 'view a tenant's right to rent portal' and confirm the tenant has the right to rent. www.gov.uk/view-right-to-rent

Continued on next page...

Time Limited Right to Rent for EU Nationals

Entrants to the UK from the EU will no longer have a permanent right to rent, however, EU and EEA nationals will easily be able to prove that they have a time limited right to rent. In 2020 the government introduced a scheme for nationals from Australia, Canada, Japan, New Zealand, Singapore, South Korea, and the US. The scheme allowed these nationals to prove their time limited right to rent status by showing their passport and proof of entry to the UK within the last 6 months. This scheme, from 01 July 2021, will include entrants from EU, EEA and Switzerland. This means, if someone provides you with a boarding pass from the last 6 months and a passport, you can let to them for up to 12 months. Also, EU nationals with a 'frontier visa' can use their visa to establish their time limited right to rent. You must schedule a follow-up check before the end of the 12 month period if the person is still occupying the accommodation.

Existing Tenants

Tenancies signed before 30 June 2021 follow the old rules with the old evidence requirements.

Reminder

Check all new tenants. It's against the law to only check people you think are not British citizens. You must not discriminate against anyone because of where they're from. Children under the age of 18 are exempt from the checks, but landlords may need to verify their age.

Please note, all information in this article is up to date, however there may be changes to the information as the new right to rent checks are launched. If there are any changes to the information, we will send all members an email and publish updates in the September bulletin. Consult the 'Landlord's guide to right to rent checks' on the **gov.uk** website for up to date guidance when you carry out your checks.



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.

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SWLA stationery may change without notice so before using a document, make sure that you use the latest one on the SWLA website, by checking the issue date or check with the SWLA office at the email address or telephone number shown below. Don't forget our ability to advertise accommodation to let & property for sale in our office window

Ashley Taylors Legal

If you need legal assistance with serving possession notices or would like to book an advocate to attend court with you, get in touch, our team is well placed to help - **01825 766767** - teni@ashleytaylors.co.uk

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

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@enigmaw.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.

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We will support members with legal advice and representation through public access. KBG cover all areas of Property Law.

Call **01752 221551** or email Colin Palmer, Senior Clerk, on colin@kbgchambers.co.uk

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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By **The South West Landlords Association Ltd 30 Dale Road, Plymouth PL4 6PD**

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

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