

## **ROTHERHAM & DISTRICT RESIDENTIAL LANDLORDS' ASSOCIATION**

### **Monday 26th March 2018**

#### NEWS

#### [Minimum Energy Efficiency Standards \(MEES\)](#)

New rules, covering all new lets and renewals, will be extended to all existing tenancies on 1st April 2020. From that date, any properties rented out in the private rented sector will need a minimum energy performance rating of E on an [Energy Performance Certificate \(EPC\)](#).

The exemption register is currently open and revised software, to be used by assessors to calculate EPCs, is now being used following a campaign by the RLA over ratings for solid wall homes.

However, exemption could be a short-term solution to a long term problem – and could end up costing the landlord money.

Any exemption registered on the database triggers an automatic email to the relevant local authority, informing them that the property has an F or G banding. The local authority could then take action under the [housing health and safety rating system \(HHSRS\)](#) to force the landlord to carry out improvement works to remedy a cold hazard, with HHSRS unaffected by the exemption register. In short, you may have to do the works anyway.

Although HHSRS does not mention any specific EPC ratings as being equivalent to a Category 1 Hazard, the lower the EPC the greater the probability that action would be warranted.

The recently published Government's [Clean Growth Strategy](#), in Section 3.2 (13), indicates that they will be shortly looking at increasing the energy efficiency standards that will apply to the domestic PRS – probably incrementally increasing the minimum EPC band at which premises may be let over the coming years.

Against this background it is recommended that landlords whose premises are below a band C to consider undertaking all cost-effective energy improvements whenever undertaking major refurbishment or significant works at their properties.

Those with band E premises should look carefully at their premises and carry out any less disruptive and cost-effective works as soon as they can and they consider scheduling in other energy refurbishments over the medium term.

Landlords with an F band whose rental properties are of solid wall construction should consider undertaking a new EPC assessment.

According to the Building Research Establishment (BRE) around 100,000 PRS homes will be upgraded into Band E and therefore unaffected by the current restrictions.

## Annual Gas Safety checks

Changes to the [rules surrounding annual gas safety checks](#), giving landlords greater flexibility around dates, have been consulted on.

Subject to parliamentary approval landlords will now be able to carry out the compulsory checks any time in the two months leading up to the renewal date – while still retaining the existing date for the following year.

In practice this means that, were your check due on May 31 for example, the check could be carried out any time in April or May, while still retain the May 31 renewal date for the following year.

This means landlords won't be penalised for sorting out inspections sooner rather than later as well as giving them greater flexibility with dates if inspectors are in high demand, or if they are struggling to get access to the property – without shortening the overall inspection period.

The Health & Safety Executive has [published a draft copy of the updated Approved Code of Practice and guidance](#) which will apply from 6th April 2018, subject to approval.

*For more information about your responsibilities regarding gas safety [click here](#)*

## Banning Orders

While the majority of landlords are excellent and law abiding, it is a sad reality that some are criminal landlords who give decent landlords a bad name.

The new banning orders that will be introduced on 6th April hope to tackle these criminal landlords and agents. Introduced under the [Housing and Planning Act 2016](#), these banning orders mean that an individual who has been convicted of specified offences can be barred from renting out properties for a minimum of one year.

A local authority will be able to use banning orders when landlords fail to carry out work required by the Council to prevent health and safety risks to tenants, or if landlords threaten tenants with violence or try to illegally evict them.

If a landlord or property agent is given a banning order they could be prevented from letting or managing a property for a minimum of 12 months or even longer (there is no upper limit for a maximum ban). Their name will also be included in a national database of rogue landlords and property agents.

Banning orders are designed to drive out the worst offenders and help make sure tenants across the country are protected from exploitation.

A banning order will mean the standard of accommodation has to be drastically improved by the landlord or property agent, or to force them leave the sector entirely. Those subject to banning orders will also not be able to earn income from renting out housing or engaging in letting agency or property management work for the duration of the order.

Landlords could also find their property being made the subject of a management order, allowing the council to carry out improvement works and rent out the property instead.

## **Extension of Section 21**

Another legislative change which landlords should be aware of in October is the extension of Section 21. The implementation of the [Deregulation Act](#) saw several changes that were made to [Section 21 tenancies](#), which applied to all tenancies or renewals that started on or after October 1st 2015.

However, the changes will now impact all tenancies, including those that were established before 1st October 2015.

In practice, this means that all landlords will legally be required to supply their tenants with the following 'prescribed documents' before the start of the tenancy:

- [tenancy deposit information](#),
- a copy of the property's [EPC](#) certificate,
- valid [gas safety certificate](#) and
- a copy of the Government's latest ['How to Rent' guide](#).