

Notes for landlord Forum – 28th January 2018

Review of the Year – 2018

January

- Report shows decline in buy-to-let lending with landlords with few properties choosing not to invest in another property, although ‘so called’ portfolio landlords are expanding their portfolios - <https://assetgrove.co.uk/decline-in-buy-to-let-lending-as-changes-bite/> and <https://assetgrove.co.uk/growth-in-the-number-of-portfolio-landlords/>

February

- 17th February Government seeking views and comments on the recommendations made by the Private Rented Sector Electrical Safety Working Group regarding electrical safety in the PRS – Consultation closed 16th April 2018
<https://www.gov.uk/government/consultations/electrical-safety-in-the-private-rented-sector>

March

- Presentation to Rotherham & District Residential Landlord Association (R&DRLA) members on the Council’s approach towards using civil penalties as an alternative to prosecution for certain housing offences.

April

- Minimum Energy Efficiency Standards (MEES) implemented 1st April
<https://www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents>
- MOT-Style Flexibility for Landlord Gas Safety Checks introduced 6th April 2018 allows landlords to carry out their annual gas safety check in the two months before the due date and retain the existing expiry date.
<https://landlords.org.uk/news-campaigns/news/mot-style-flexibility-landlord-gas-safety-checks>
- Introduction of a rogue landlord database with statutory and non-statutory guidance to help local authorities understand their powers and obligations to make entries in the database of rogue landlords and property agents.
<https://www.gov.uk/government/publications/database-of-rogue-landlords-and-property-agents-under-the-housing-and-planning-act-2016>

May

- General Data Protection Regulations (GDPR) implications for landlords – 25th May
<https://landlords.org.uk/news-campaigns/news/gdpr-what-you-need-know-landlord>

June

- The government produces guides for tenants, landlords and leaseholders:
 - How to rent – a guide for current and prospective tenants
 - How to rent a safe home – a guide for current and prospective tenants
 - How to let – a guide for current and prospective private residential landlords
 - How to lease – a guide for current and prospective leaseholders
- <https://www.gov.uk/government/collections/housing-how-to-guides>

July

- Government consultation on longer term tenancies – R&DRLA contribute to the consultation
- <https://www.gov.uk/government/news/longer-tenancy-plans-to-give-renters-more-security>

October

- Houses in Multiple Occupation (HMO) mandatory licensing in force – 1st October
- <https://www.gov.uk/government/publications/houses-in-multiple-occupation-and-residential-property-licensing-reform-guidance-for-local-housing-authorities>
- Section 21: Changes in England from October. The Deregulation Act 2015 made changes to prevent ‘retaliatory evictions’ and all new tenancies starting on or after 1 October 2015 had to adhere to new guidelines as to when and how a landlord can serve a Section 21 notice. This October all remaining Assured Shorthold Tenancies (ASTs) will be subject to these rules, regardless of their start date. When issuing a Section 21, landlords will be required to use [Form 6a](#).
- <https://www.arla.co.uk/news/september-2018/section-21-changes-in-england-from-october.aspx>
- Rotherham Council consult on proposals to extend Selective Licensing of private rented housing to parts of Thurgroft and Parkgate. Consultation ends on Sunday 23 December 2018 after a 10-week consultation period.
- https://www.rotherham.gov.uk/news/article/1623/public_consultation_on_selective_licensing
- R&DRLA members contribute towards the Council’s PRS Study being undertaken by CRESR/SHU

December

- Homes (Fitness for Human Habitation) Bill enacted 20th December and will come into force in three months’ time, 20th March 2019
- <https://landlords.org.uk/news-campaigns/news/homes-fitness-human-habitation-act-2018-becomes-law>

A look ahead to 2019 – For information

- Homes (Fitness for Human Habitation) Act 2018 scheduled to come into force from 20th March 2019
 - The Act covers all tenancies less than seven years in length in both the social and private rented sectors.
 - The requirement includes the dwelling let to a tenant and all parts of any building it forms a part of, in which the landlord has an interest. For example the common parts of an HMO or block of flats owned by the landlord.
 - It will extend to all existing tenancies which meet the criteria, including periodic tenancies and legacy regulated tenancies.
 - Amends the Landlord and Tenant Act 1985 and outlines fitness for habitation by virtue of what constitutes a property unfit for human habitation. A property will be unfit for habitation if there are serious defects in any of the following:
 - Repair
 - Stability
 - Freedom from damp
 - Internal arrangement
 - Natural lighting
 - Ventilation
 - Water supply
 - Drainage and sanitary conveniences; and
 - Facilities for preparation and cooking of food and for the disposal of waste water.
 - The landlord is responsible for fitness for habitation
 - [Guidance](#)
- Tenant Fees Bill to be introduced 1st June as the Tenant Fees Act 2019
 - Bans all fees from letting agents and landlords to tenants.
 - Gives exemptions for payments arising because of the action of the tenant ('in default').
 - Will impose a cap on security deposits of 5 weeks' rent and a cap on holding deposits of 1 week's rent.
 - Creates
 - a civil offence with a fine of £5,000.
 - a criminal offence for repeat offenders.
 - Allows civil penalties of up to £30,000.
 - The move is expected to save tenants between £200 and £300, but there are concerns letting agents will simply pass on the costs to landlords.
- Under MEES, landlords were previously exempt from meeting the minimum energy efficiency requirements if measures to improve a property would cost more than £2,500. But the threshold has now been increased to £3,500, meaning fewer landlords will be exempt.

- Longer term tenancies. The Government has gone quiet on its proposal for longer tenancies, but rules allowing people to opt for a three-year minimum agreement could still be brought in this year.
- Government has outlined plans to introduce a single one-stop shop for housing complaints.
 - Legislation will be brought forward which aims to plug gaps in the system to ensure that disputes can be resolved without going to the courts.
 - The measures include:
 - The introduction of a new Housing Complaints Resolution Service with the aim of helping anyone with a property transaction dispute
 - The requirement for all private landlords to belong to a redress scheme
 - The requirement for developers of new homes to sign up to a New Homes Ombudsman
 - The introduction of a single Code of Practice on complaint handling across all tenures
- The Ministry of Housing, Communities and Local Government (MHCLG) has published a call for evidence on the establishment of a dedicated Housing Court in England that will specialise in housing cases only. More to follow.