



The NewsLink

For Private Landlords



FROM PLYMOUTH CITY COUNCIL

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Housing Act 2004 Special Edition

Welcome to the Housing Act 2004 special edition of Newslink. This edition is dedicated to explaining the major changes in housing legislation. There are articles to address relevant parts of the new Act. As outlined in our Spring edition, the most significant changes are the replacement of the fitness standard with the Housing Health and Safety Rating System (HHSRS), the introduction of Licensing of Houses in Multiple Occupation (HMO), and a Tenancy Deposit Scheme.

The Private Sector Housing Team, along with other relevant partners, is building up to the introduction of the

new Act. The team (pictured below) has received training in the application of the Housing Health and Safety Rating System.

We are working hard to identify those properties which will require licensing, amending and drafting new policies, and offering advice to those who have concerns over the legislation.

Pictured from left to right; Rear Peter Grimoldby, Paul Rush, Tony Tomlin, Mac McCorry; Middle Martyn Taylor, Lisa Settle, Malisa Collyer, Matt Miller; Front Brent Acutt, John Davies, Team Leader Linda Johns and Steve Price. Members of the team not pictured are Bob Clark, Carole Knapp and Private Sector Manager Phil Doidge.



Newslink is produced by Plymouth City Council's Private Rented Team and Housing Advice Service to give landlords news and information about current issues in the private rented sector.

We are able to offer a wide range of advice to landlords about standards in private renting and tenancy and eviction procedures.

If you would like some general information or have a topic you would like to see covered in a future issue of Newslink or just wish to comment or raise a query on anything in this issue please contact us.

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Housing Act 2004 - Introduction

The changes implemented by the 2004 Act are wide ranging and are the most significant changes to housing legislation in a half a century. There will be a major impact on the way the team improves the private sector housing market. The major changes affecting private rented accommodation are as follows;

- ◆ Housing fitness standards to be replaced by the Housing Health and Safety Rating System (HHSRS)
- ◆ New Definition of Houses in Multiple Occupation
- ◆ Mandatory Licensing of some HMOs, 3 storey or above AND 5 or more people (excluding self-contained flats)
- ◆ Discretionary Licensing of other HMOs
- ◆ Discretionary Licensing of areas of low demand housing
- ◆ Mandatory Tenancy Deposit Scheme
- ◆ Management Orders where properties are not properly managed or are left empty for a prolonged period of time
- ◆ Home sellers packs.

At this time it is expected that the Housing Health and Rating System and Mandatory HMO Licensing will come into force at the beginning of December. This date may be subject to change as secondary legislation must be passed by government. There will be a 3 month period after which enforcement powers will be introduced. A review of the management regulations is planned, no timescale is available at this time.

Which new provisions will apply to me?

Type of Property	Provisions
Single family dwelling	HHSRS *
Non HMO (e.g. 2 people sharing or some self contained flats)	HHSRS *
HMO — Non mandatory licensable (less than 3 storeys and/or 5 people)	HHSRS, Management Regulations *
HMO — Mandatory licensable 3+ storey & 5+ people	HHSRS, Management Regulations and Mandatory Licensing

* Possible discretionary licensing at a future date.

Housing Health and Safety Rating System

The Housing Health and Safety Rating System (HHSRS) will replace the existing housing fitness standard. The HHSRS aims to assess the potential impact of the house on the health, safety and well being of the occupants and any visitors. This is a very necessary change, housing has the potential to greatly impact upon all aspects of occupants lives.

There are 29 hazards, which have been identified which must be assessed assuming the most vulnerable occupant. The system has been piloted by a small number of authorities, they have advised that the most significant hazards are as follows

- ◆ Excess cold
- ◆ Damp and mould
- ◆ Electrical hazards
- ◆ Falls associated with stairs and steps
- ◆ Structural collapse/falling elements
- ◆ Falls on the level (uneven surfaces, small changes in level)
- ◆ Fire
- ◆ Entry by intruders
- ◆ Falls from windows, etc.

One important point is that appropriate fire precautions will be required in all residential accommodation

Below is a brief description of the standards expected in relation to the top 3 hazards. Further guidance will be issued on each of the hazards in the future. If you require any further information please contact us on 307077. Full guidance on the HHSRS may be obtained from the website of the Office of the Deputy Prime Minister (www.odpm.gov.uk).

Hazards

Excess Cold

- ◆ Heating should be controllable by the occupants and capable of heating the whole of the dwelling adequately and efficiently
- ◆ Structural thermal insulation should be provided

Damp and mould

- ◆ The structure and finishes of a dwelling should be maintained free from rising, penetrating dampness or persistent condensation.
- ◆ There should be sufficient and appropriate means of ventilation to deal with moisture generated by normal domestic activities without the need to open windows.

Electrical hazards

- ◆ Electrical installations must be safe. Live parts must be insulated, there must be sufficient earthing of metal parts, gas and water pipes.
- ◆ Where equipment operates at 230V or above, RCD protection is required.

Falls

- ◆ Stairs must be safe. Risers and treads must be even and of an appropriate size. There must be adequate guarding, handrails and lighting. Stair coverings must be in good condition, i.e. not loose, worn or ripped. Width of staircase and winders will also be considered.
- ◆ Tripping hazards must be minimised, examples include threshold steps, uneven or slippery floors and external surfaces.
- ◆ Window cill heights and window types must reduce the risk of falls.
- ◆ There must be adequate guarding to internal and external drops, e.g. flat roofs, light-wells and landings.
- ◆ Bathrooms must have adequate space, lighting, fittings must be secure and positioned to reduce the likelihood of an accident and the extent of any injury.
- ◆ Other factors affecting on the severity of injuries incurred must be considered, e.g. space and surfaces at the foot of the stairs.

HMO Definition

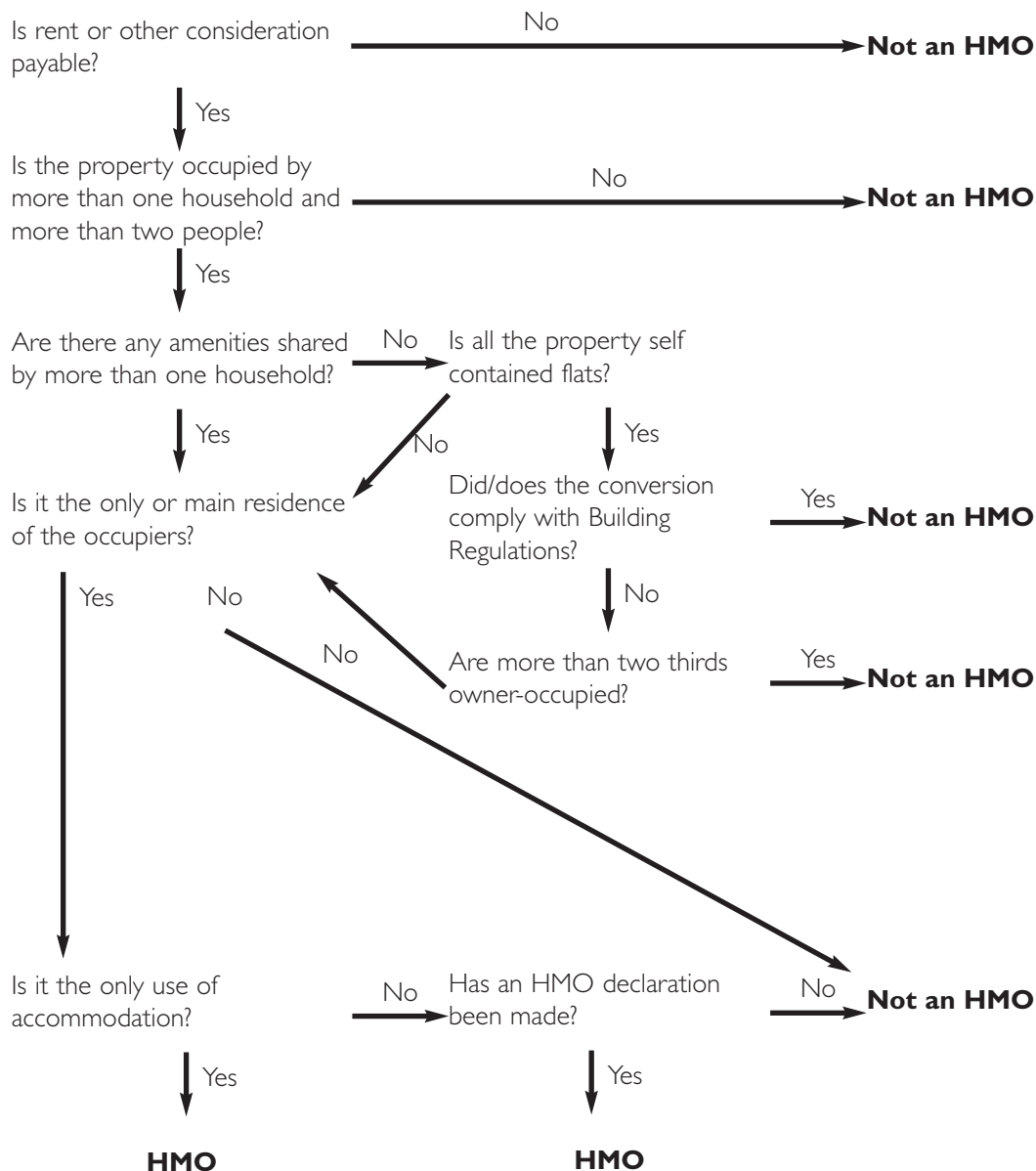
The Housing Act 2004 introduces a new definition of a House in Multiple Occupation (HMO). The new definition is very complex, it includes small-scale shared student housing. Generally a house in multiple occupation will be a property occupied by more than one household and more than two people, and may include bedsits, shared houses, non self contained flats and some self contained flats.

Houses fully converted into self contained flats will generally not be HMOs provided that they were converted in accordance with the appropriate Building Regulation standards. This will, as a minimum be the 1991 Regulations.

Generally the sole use of the property must be as an HMO, however the Local Authority may declare the property to be an HMO where there is significant usage.

This diagram should help you determine whether a property you let is an HMO. If you have any questions or are unsure whether your property is an HMO, contact the Private Rented Team on 307077.

HMO Definition - Housing Act 2004



Mandatory HMO Licensing

The new Act introduces a compulsory national licensing scheme. **This will apply to three storey (or higher) HMOs occupied by 5 (or more) persons.** Attic floors, lower ground floors and some basements will be included in the term storey. Properties comprising self-contained flats, with single household occupation, will not require licensing. A licence will be issued for a period of up to 5 years.

The Government may extend compulsory national licensing to lower risk HMOs. In addition, the new Act gives the Council the power to declare a local licensing scheme to cover other types, or areas, of HMO.

Briefly the requirements for licensing are that:

- ◆ Each individual licensable HMO is licensed.
- ◆ There are adequate amenities and the house is not overcrowded.
- ◆ The licensee is a fit and proper person. In general terms this is a person who has complied with housing and related legislation, is competent to manage the property and has the resources to do it.
- ◆ Electrical appliances are safe.
- ◆ Furniture/furnishings are safe.
- ◆ Landlord gas appliances are safe.
- ◆ Fire alarm systems are maintained.
- ◆ A copy of a written statement of the terms of occupation is provided to the occupiers.
- ◆ The HMO will be properly managed.
- ◆ Other requirements may also be specified.

Conditional licenses may be granted. These enable an HMO to be licensed whilst any necessary improvements are carried out. There will be a lead in period of 3 months after licensing begins, after this period enforcement powers and duties will come into force. A landlord may apply for a temporary exemption notice (TEN) whilst works are undertaken which will remove the requirement for a licence (e.g. conversion back to single family dwelling or self contained flats). A TEN can only last up to three months, with a maximum of two being served in succession.

The Council has a duty to properly apply Licensing. It must also ensure that all licensable HMOs comply with the HHSRS standard. The Council may charge a licence fee, and can impose sanctions in the event of non-compliance:

- ◆ Fine up to £20000
- ◆ Rent recovery (by tenant or housing benefit)
- ◆ Management Orders

Application forms will be available in the near future, you will require one form per property. In the meantime we are compiling a list of Properties likely to be Licensable. To request an application form(s) please contact the Private Rented Team on 307077.

Other provisions of the Housing Act 2004

There are a number of other provisions of the new Housing Act, which will impact on the private rented sector, including the following;

1. Discretionary Licensing — This allows councils to decide whether to introduce licensing as described below
 - The licensing of all HMOs within an area or part of an area, OR
 - The licensing of a type of HMO e.g. 2 storey bedsits with 5 or more tenants.*
 2. Selective Licensing — This allow councils to decide to introduce licensing of all private rented accommodation within an area or part of an area.*
 3. A review of the Management Regulations is planned in the near future.
 4. Mandatory participation in Tenancy Deposit Schemes. The Act will make it a requirement that any landlord who wishes to take a monetary deposit must safeguard that deposit through a tenancy deposit scheme.
 5. Empty Dwelling Management Orders — allow a council to take over management of a long-term empty dwelling. This can only be applied for after the dwelling has been empty for a minimum of 6 months.
- ◆ Plymouth City Council will consider the additional licensing provisions, decisions must be made in relation to antisocial behaviour and low demand. Any Discretionary or Selective Licensing must be approved by the Office of the Deputy Prime Minister.

We will provide further information on these provisions in the future as it becomes available.

New regulations for new boilers

As of the 1st April 2005, New Building Regulation rules regarding installation of new boilers are in force. Any new boiler installed must be a condensing boiler unless an exemption is allowed. Exemptions will be determined by a Corgi registered engineer, based on a prescribed assessment.

The government has introduced this legislation in a move to improve energy efficiency and aiming to reduce emissions in line with national and international targets. It is stated in Energy Efficiency Best Practice in Housing that The greatest energy efficiency benefits are obtained from installing condensing boilers: these are always more efficient than non-condensing models .

For further guidance and information please contact Building Control Department on 304927 or see the website of the Office of the Deputy Prime Minister (www.ODPM.gov.uk).

**If you no longer wish to receive this newsletter please contact
01752 307077 and request to be removed from our distribution list.**

Landlords and the Private Rented Team working together

Success

In 2004 the private rented team responded to 315 complaints. Through close working with landlords and owner-occupiers we were able to resolve the majority of these complaints without serving formal notices. Only 23 formal notices were served in 2004. Improved standards were achieved by working with the landlord/owners in the majority of cases.

Success

We are pleased to report our success in working with a landlord in renovating 11 self contained flats. We worked closely with him, informing him of the standards required and giving regular on-site advice. He will soon be handing over the properties to the joint City Council-Sarsen Housing leasing scheme. Our aim is always to work with landlords to improve the standards of private rented accommodation in the city.

Success?

Regrettably we occasionally find ourselves in court defending necessary enforcement action. This has recently been the situation. We defended an appeal brought against a claim for money owed by a landlord as the result of Works in Default. Whilst we were successful in defending the appeal and the debt is now being settled, this is a situation we try to avoid by working with you. Happily, we were still able to achieve improved standards and will continue to proceed with formal enforcement procedures when necessary.

University Offer

The University of Plymouth has introduced a Rent Guarantee Scheme for students and academics with families who come to the city from overseas. Having met with various landlords and property agents we understand that letting properties to a family from overseas without history can be considered a risk, especially without a UK guarantor. THE UNIVERSITY IS NOW ABLE, IN CERTAIN CASES, TO ACT AS A GUARANTOR SO THE WHOLE INITIAL SIX MONTH TERM IS COVERED.

The University hopes to operate this scheme with the cooperation of local landlords to make it easier for these families to find suitable homes in Plymouth. Whilst the majority of families will be looking for accommodation during August and September, we have an increasing number of families looking throughout the year. They will be interested in a wide variety of different properties in all areas of the city and surrounding area.


For more information or provide details of properties that you have available please contact the University of Plymouth Student Accommodation Office.

Telephone: (01752) 232068

Email: accommodation@plymouth.ac.uk

Write to: Student Accommodation Office,
University of Plymouth, Drakes Circus, Plymouth PL4 8AA.

NOTICE BOARD



Private Sector Stock Condition Survey

The Private Sector Team has recently commissioned a Stock Condition Survey of Private Sector Housing in Plymouth. The Survey was undertaken by a specialist contractor, 2000 properties were selected in a random sample. The survey gathered information on property conditions, occupation, energy efficiency, and other relevant information. The report will be widely publicised in the near future. The information will be used in the revision of our Private Sector Housing Strategy.



New Faces

Those of you familiar with the Private Rented Team can expect to see new faces appearing as our Urban Care Technical Officers increase their fields of expertise and they undertake training in Private Rented work. You can look forward to meeting Mac McCorry, Steve Price, Matt Miller, and Malisa Collyer.



Website

Work is beginning on the redevelopment of the Housing - Strategy and Renewals section of the Council website. You can look forward to the availability of forms in electronic format, useful links to relevant websites and the provision of leaflets and information. There should be changes noticeable from around September. If you have any thoughts on information, etc. that you would like to see on the website, please call Lisa Settle on 307079.



Your Views

From time to time we review our policies, when we do this we would like to consult our clients (YOU). If you would like to take part in the process of consultation please contact Peter Grimoldby on 307081.