

Landlord Matters

News for private sector landlords in Renfrewshire

February 2018



Private Residential Tenancy

The 'private residential tenancy' replaced the use of 'short assured' and 'assured tenancy agreements' for all new tenancies granted from 1 December 2017.

It has been introduced to help improve security for tenants and provide safeguards for landlords, lenders and investors.

To help landlords and tenants, the Scottish Government produced a Model Tenancy Agreement which includes standardised tenancy terms. An interactive website which assists in the creation of a private residential tenancy agreement can be accessed on the MyGov website at www.mygov.scot/tenancy-agreement-scotland

Changes to setting up a tenancy

The process has been simplified with the removal of pre-tenancy notices like the AT5, which was previously required with a short assured tenancy.

Landlords and tenants benefit from the new open-ended tenancy term which removes the need for six-monthly or yearly tenancy reviews and renewals - as long as the tenant is happy in the property and continues to meet the terms of the tenancy.

Other improvements for landlords include:

- Quick referral for repossession where a tenant is in rent arrears.
- Standardised tenancy terms outlined in a Scottish Government recommended 'model tenancy agreement'.
- One simple notice to regain possession of a property called a 'notice to leave' – replacing the previously required 'notice to quit' and 'notice of proceedings'.
- 18 modernised grounds for repossession, which include new grounds where the property has been abandoned or the landlord intends to sell.

Rent increases are restricted to once in a 12 month period and the tenant must be given 3 months notice of any increase. Further restrictions on the rate of a rent increase will apply if your property is located within a designated 'Rent Pressure Zone'.

Will my current tenancy agreement change?

Existing short assured and assured tenancy agreements in place before 1 December 2017 do not automatically revert to a private residential tenancy and will continue until either the tenant or landlord bring it to an end by serving the appropriate notices.

Short assured tenancies can continue to renew on a contractual basis and do not have to be converted to a private residential tenancy.



Local authorities can apply to Scottish Ministers for a Rent Pressure Zone in areas where rents are rising too high and causing a detrimental effect on the authority's broader housing system.

If approved, the amount rent can increase by will be capped at an amount set by Scottish Ministers.



Letting Agent Regulation

The Scottish Government has identified the important role letting agents play in delivering well managed good quality homes to tenants on behalf of private landlords.

As part of the Housing (Scotland) Act 2014, the Scottish Government introduced a mandatory registration of letting agents and a statutory letting agent code of practice.

The Register of Letting Agents will be run by Scottish Ministers that will ensure that every letting agent is a 'fit and proper' person to

deliver letting services and has met minimum training requirements.

All letting agents must submit an application by **30 September 2018**, as from this date it will be an offence to do any letting work without having submitted an application to the Register of Letting Agents.

A legal definition of letting agent work has been developed and can be seen within section 61 of the Housing (Scotland) Act 2014, which is available at: www.legislation.gov.uk



The Letting Agent Code of Practice

The new code of practice came into force on 31 January 2018.

The Code sets out the minimum service standards that letting agents must meet and gives tenants and landlords the ability to challenge poor practice.

The Code provides guidance on the overarching standards of practice, regulations on how to engage with landlords and prospective tenants, the charging of fees and the correct handling of landlords and tenants money.

The Code of Practice can also be viewed in full at: www.legislation.gov.uk.



MyAccount Tenancy Changes

Tell us about tenancy changes online with MyAccount.

Whenever your tenants move in or out, or if your property is unoccupied, simply notify us with MyAccount - your online customer account with Renfrewshire Council.

Why it's better with MyAccount:

- council tax details can be updated in one working day
 - new council tax bills issued quickly
 - no more calls or queues
 - no paper forms or postage

When you register for MyAccount you will have access to a variety of online forms. In addition to tenancy updates, you can view and manage your rent and council tax account(s), upload supporting documentation and keep track of all payments and adjustments made.

For more information on MyAccount, or to register, visit our website at:

www.renfrewshire.gov.uk/tenancychanges





Universal Credit – Full Service

The full service is scheduled to roll out across Renfrewshire from **September 2018**.

All working age people who make a new claim for assistance to pay their rent will now apply online to the Department of Work and Pensions for Universal Credit rather than claiming Housing Benefit from the local authority.

The amount of housing costs that can be paid under Universal Credit will remain within the Local Housing Allowance rate for Renfrewshire and these will normally be paid directly to the tenant monthly or twice-monthly.

How to help struggling tenants

Tenants struggling with their finances or to manage their Universal Credit payment(s) can get financial and budgeting advice from Advice Renfrewshire at: www.advicerenfrewshire.org.

The Advice Renfrewshire website offers advice and information about how to make contact with the most appropriate advice service, including Advice Works and Citizens Advice Scotland.



View the 2018/19 rates on Renfrewshire Council's website www.renfrewshire.gov.uk/lha

If your tenant is in receipt of Universal Credit and falls into arrears equivalent to 8 weeks rent or more, you can request payment of the housing costs are made directly to you as the landlord.

You can do this by downloading and completing a UC47 alternative payment form and emailing a copy to universalcredithousing.aparequests@dwp.gsi.gov.uk



Landlord Accreditation Scotland (LAS) in partnership with Renfrewshire Council



Landlord Accreditation Scotland (LAS) provides information for private landlords based on Scottish legislation and best practice within the industry.

Becoming accredited with LAS, along with regular attendance at courses and information events, provides you with knowledge on key issues and how to implement change when required, ensuring you have the confidence to conduct your business in a professional manner.

The range of training courses provided by LAS cover both legislation and best practice in the private rented sector. It can be very difficult to keep track of the changes to legislation which affect our responsibilities as landlords and agents. The courses that are available to you cover all of these and are updated in line with ever-changing legislation.

Courses held locally January – March 2018

Core Standard Level 1

Tenancy Management in partnership with Letting Protection Service Scotland

27 February 2018

Paisley Town Hall, Abbey Close, Paisley

1.30pm – 4.30pm

This course looks at a number of topics from starting a tenancy to communication with tenants throughout a tenancy.

The course is suitable for landlords and letting agents regardless of number of properties managed and length of time in the industry.

How to Book

All courses run by LAS can be found listed on the LAS website and can be booked on-line at: www.landlordaccreditationscotland.com



Helpful rules & regs checklist

It can be confusing navigating through the many rules and regulations on letting out a property in the private rented sector; so to help landlords setting up, we have created an easy to use Landlord Checklist.

Landlord paperwork/registrations/certificates 	
<p>Register as a private landlord with Renfrewshire Council</p> <p>All private landlords must register with the Council and display their registration number when advertising a property for rent. Letting a property without being registered can lead to a maximum fine of £50,000.</p> <p>You can apply to be registered online at www.landlordregistrationscotland.gov.uk or contact Renfrewshire Council's Licensing Section on 0300 300 0300 for more information</p>	
<p>Mortgage, Tax and Insurance</p> <p>Inform your mortgage provider or lender and home contents/buildings insurer that you intend to rent out your property. You can get insurance specifically designed for landlords and letting out your property may have an impact on your mortgage and tax payments.</p>	
<p>Electrical Installation Condition Report</p> <p>It is a legal requirement to provide an electrical installation condition report, a part of which must ensure all electrical appliances have undergone Portable Appliance Testing.</p>	
<p>Risk Assessment for Legionnaires' disease</p> <p>Letting agents and landlords are obliged by law to carry out a risk assessment for Legionnaires disease and implement any necessary measures.</p>	
<p>Energy Performance Certificate and Gas Safety Certificate</p> <p>You must have an Energy Performance Certificate issued in the last 10 years and a Gas Safety Certificate issued in the past 12 months.</p> <p>You'll need to provide a copy of these certificates to your tenant and make clear the Energy Performance Rating when advertising the property for rent.</p>	
Preparing your rental property 	
<p>Meeting the Repairing Standard in a rented property</p> <p>The repairing standard is the minimum physical standard of a private rented property.</p> <p>A privately rented property must meet the Repairing Standard as follows:</p> <ul style="list-style-type: none">• The property must be wind and water tight and fit for people to live in.• The structure and exterior, installations for supplying water, gas and electricity and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order.• Furnishings, fixtures, fittings and appliances provided under the tenancy must be in a reasonable state of repair and in proper working order and safe to use.• The property must have the facility to warn of fire (smoke detectors) and dangerous levels of carbon monoxide (carbon monoxide detector). <p>Full details on the requirements and enforcement of the Repairing Standard are available at www.housingandpropertychamber.scot</p>	

<p>Inventory</p> <p>Before letting your property you should take a note of what furnishings and fittings are in the property and their condition, you might want to take photographs. Make the inventory available to your tenant for them to agree or make amendments and sign.</p>	
<p>Once the property is let ✓</p>	
<p>Tenancy Agreement and Tenant information</p> <p>Any new tenancy will be a Private Residential Tenancy agreement.</p> <p>The Scottish Government have developed a 'model tenancy agreement' webpage which allows you to customise a tenancy agreement and print out ready for your tenant to agree and sign.</p> <p>You must also provide the following certificates and information to your new tenant:</p> <ul style="list-style-type: none"> • copy of the Energy Performance Certificate: • copy of the Gas Safety Certificate: • copy of the Electrical Installation Condition Report: • copy of the inventory to check and agree: • copy of the easy read notes for the Private Residential Tenancy agreement or the Private Residential Tenancy agreement statutory terms supporting notes. 	
<p>Use an approved Tenant Deposit Scheme</p> <p>Landlords have a legal duty to pay tenancy deposits into an approved tenancy deposit scheme.</p> <p>There are 3 approved schemes in Scotland:</p> <ul style="list-style-type: none"> • Letting Protection Service Scotland • Safedeposits Scotland • My deposits Scotland 	
<p>Hand over the keys to the new tenant and inform the Council the new tenant has moved in.</p>	





Landlord Information event - November 2017

Renfrewshire Council in partnership with Landlord Registration Scotland recently hosted an information event for landlords and agents on 30 November at Paisley Town Hall.

The event, chaired by Landlord Accreditation Scotland's Elspeth Boyle, was very well attended with over 150 landlords and agents hearing from industry professionals about a range of changes in the sector.

These included:

- the introduction of the new Private Residential Tenancy;
- third-party referral processes to the Housing and Property Chamber;
- analysis of recent Scottish Government consultations on Energy Efficiency in the Private Rented Sector;
- proposed changes to the repairing standard.

Councillor John McNaughtan, Convener of Renfrewshire Council's Regulatory Functions Board, opened the event and acknowledged the growth and positive role played by the private rented sector in providing good quality accommodation for thousands of tenants in Renfrewshire.



John Blackwood, Chief Executive of the Scottish Association of Landlords (SAL), also spoke about the forthcoming regulation of letting agents due in 2018 and confirmed that SAL had campaigned on behalf of its members for the Scottish Government to bring in this regulation of letting agents.

Victoria Smith from one of the accredited rent deposit schemes, SafeDeposits Scotland, closed the event with an overview of the 'checking out' process involved in the return of deposits to tenants.

Landlord Accreditation Scotland will continue to run training events for landlords and agents in Renfrewshire during 2018.

Further information can be found at www.landlordaccreditationscotland.com.



Private Landlord Registration Renewals

Remember to renew your landlord registration in time.

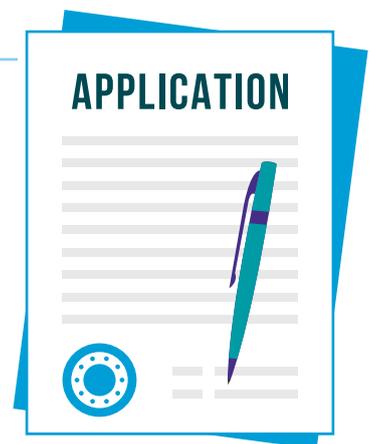
Your registration lasts for three years from its approval date and you can renew your application up to three months in advance of your current registration expiring.

Renfrewshire Council's Licensing Section will issue electronic reminders to you if an email address has been provided.

Failure to renew following reminders will automatically result in a late application fee and could also result in a rent penalty notice being served.

If you are no longer acting as a landlord, you need to inform the Council's Licensing Section so that you can be removed from the register.

All private landlords must register with the Council to ensure that they are a 'fit and proper person' to let a property. It is an offence to let any house without being registered or having made a valid application. The maximum fine for operating as an unregistered landlord is £50,000.



Further information about registration and renewals is available at www.landlordregistrationscotland.gov.uk or by contacting Renfrewshire Council's Licensing Section at: privatelandlord.licensing.cs@renfrewshire.gov.uk or calling 0300 300 0300.



Who is responsible for maintenance and repairs in common blocks?

Renfrewshire Council Owners Services frequently deal with queries from owners and landlords of flats in common blocks who are trying to undertake repairs to communal areas.

It is important owners in common blocks jointly maintain the common areas of the buildings to prevent future disrepair - which can lead to lower property values and threaten the longevity of the building and adjoining properties.

To help landlords, tenants and owners understand their roles and responsibilities in properly maintaining common blocks, the Council contributed to the development of the 'Under One Roof' website.

The website contains general and detailed guidance in relation to the maintenance of property, identifying repairs and solutions, factoring and owner responsibilities for common repairs in flatted property.

It is an invaluable source of guidance for homeowners, put together by industry experts in this field and should be widely referred to by landlords and agents across Renfrewshire.

For more details visit:
www.underoneroof.scot





Dealing with Anti-Social Behaviour

All landlords have a responsibility for monitoring and dealing with complaints relating to anti-social behaviour by their tenants or their tenant's visitors.

The Council has a Community Safety Service which investigates complaints against tenants of private landlords.

Their services are available throughout the year and can provide a range of services to help tackle anti-social behaviour such as dog fouling, litter, fly-tipping and a range of other issues.

It also includes the Council's Noise Enforcement Officers who operate during the day and late night on a Friday and Saturday.

Assistance can also be provided by the Council's Community Safety Mediation Service who can help to resolve low level disputes between neighbours.

If you need to report an incident out with Renfrewshire Council's Community Safety Service operating hours, you should call Police Scotland on 101.

Community Safety Wardens (Availability)

Winter:

Monday – Thursday	8am – 10pm
Friday & Saturday	8am – Midnight
Sunday	11am – 10pm

Summer:

Monday – Thursday	8.00am – 11.00pm
Friday & Saturday	8.00am – 12.00am
Sunday	12.00pm – 11.00pm

Tel: 0300 300 0380

Noise Enforcement Officers (Availability)

Monday – Thursday	8.45am – 4.45pm
Friday	8.45am – 3.55pm
Friday & Saturday night	8.00pm – 4.00am

You can contact the Noise Enforcement team directly on 07768 988 186.



Useful Telephone Numbers

Private Landlord Registration	0300 300 0300 (option 4)	Owner Services	0300 300 0222 (option 3)
Housing Benefits (LHA)	0300 300 0204	Environment and Communities	0300 300 0380
Community Safety Wardens (Anti Social Behaviour)	0300 300 0380 (option 1)	Police Scotland	101
Deposit Guarantee Scheme	0141 618 5807	Rent Service Scotland	0300 244 7000
		Crimestoppers	0800 555 111



Renfrewshire Council's Customer Service and Contact Centre opening times:

Monday–Thursday

08:45–16:45

Friday

08:45–15:55