



Landlords matter

Information for private landlords in Moray

Welcome to the second edition of the Moray Council's newsletter for private landlords and agents.

Thank you for the positive feedback that we received after issuing our first edition of **Landlords matter**.

We hope our newsletter will continue to give you useful information and advice on private sector housing and landlord issues. For example, we will include updates on legal changes and what you need to do to meet them.

We welcome your feedback. If there is anything that you would like included in the next edition, please let us know.

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This newsletter contains important information that you need to be aware of as a private landlord or agent

Landlord registration renewals

A landlord's registration lasts for three years from the date of approval. If you are still letting at that time, then by law you must make an application for renewal.

We will write and tell you before the expiry date that your renewal is due. We will send the reminder to your correspondence address held on the landlord registration database. If you have given us an email address we may also email you.

You can apply to renew your registration online at www.landlordregistrationscotland.gov.uk no sooner than 3 months before your current registration expires. To renew your registration, all you have to do is **check that all the details currently held about you and your let properties are correct** and if necessary, update these.

If you choose not to renew online please contact us. We will send you a renewal form with a summary of your current details and some guidance notes. You will need to check the summary, amend if necessary, and sign and return the form with the renewal fee. If you need advice about the fee or anything else please contact us.

Landlords renewing their registrations are required to pay a £55 registration fee and £11 for each let property which is listed on their registration at the time of renewal. There are a number of discounts available. If you are not sure, or need more information, please contact us.

A common problem that happens when we send renewal reminders out is that the landlord's correspondence address has changed but we have not been told. This often results in the reminder letters being returned by Royal Mail marked as "addressee gone away".

By law you must inform us of any change to your contact details, surname or other details on your registration.

You can also update your address online - www.landlordregistrationscotland.gov.uk. If you have forgotten your username or password please call us to have it reset.

If you don't keep your address up to date, you may not get important correspondence such as renewal reminder letters which may then lead to the expiry of your registration. Any expired registration may then be subject to a late registration fee being added to the cost of the renewal.

If a registration expires and is not renewed then you will no longer be registered. If you continues to let out property, you will be doing so illegally and we may take enforcement action against you.

Strategy for the private rented sector



The Scottish Government recognises the vital role that private rented housing plays in providing people with a flexible housing option strategy.

A Place to Stay, A Place to Call Home, is a Strategy for the Private Rented Sector in Scotland. It sets out an agenda aimed at improving management standards and quality of service for tenants and prospective tenants, as well as enabling growth and investment in the sector.

The **Scottish Government** has announced that a new housing tribunal is to be created as a specialist decision maker for disputes in the private rented sector (PRS).

Jurisdiction for civil private rented sector cases will be transferred from the sheriff courts to the PRS tribunal in future as part of plans to be included in the forthcoming Housing Bill.

The decision to introduce a PRS tribunal comes following recent consultation exercises which highlighted that access through the courts can be particularly difficult for those in the private rented sector.

One of the key actions of the Scottish Government's PRS Strategy, published in May this year, is to improve the means of redress open to consumers.

For more information please see the Scottish Government's website – www.scotland.gov.uk

Repairing standards

Rented property must meet the Repairing Standard before you rent it out and at all times during the tenancy. The Repairing Standard applies to almost all private tenancies in Scotland.

You or someone acting for you must inspect the property to make sure it meets the Standard. At the start of the tenancy (or earlier) you must tell tenants (in writing) about the Repairing Standard and the Private Rented Housing Panel.

What is the repairing standard?

The repairing standard is a basic level of repair which all private rented accommodation must reach. To meet the Repairing Standard:

- ✓ The property must be wind and watertight
- ✓ The property must be fit for to live in, meeting the 'tolerable standard'
- ✓ The structure and exterior of the property (for example, the walls and roof) must be in a reasonable condition
- ✓ The installations for the supply of water, gas, electricity, and for sanitation, space heating and heating water must be in a reasonable state of repair and in proper working order (these include external installations, such as drains)
- ✓ Any fixtures, fittings or appliances provided by the landlord (such as carpets, light fittings, white goods and household equipment) must be in a reasonable state of repair and in proper working order
- ✓ Any furnishings provided by the landlord must be capable of being used safely for the purpose for which they are designed
- ✓ The property must have suitable fire detectors – there should be at least one detector on each floor of the property, and if the alarms are installed after September 2007, they should be mains powered rather than battery powered.

If the property doesn't reach the Repairing Standard and the landlord refuses to carry out the necessary work, then a landlord can be reported to the Private Rented Housing Panel.

Tenancy Deposit Schemes – a reminder

We told you in our last newsletter that if you have taken a deposit from your tenant, you must now protect the deposit in a Tenancy Deposit Scheme.

Any new deposits that you take from tenants must be protected within 30 working days of the start of the tenancy.

If you don't protect a deposit with a scheme or give the required information within the specified timescales you can be ordered, by court, to pay the tenant up to three times the deposit. In addition, you can be ordered to place the deposit in an approved scheme. Breaches can be taken into account when we assess your 'fit and proper' status. This may lead to the refusal of an application or an existing registration being revoked.

There have been two recent tenancy deposit scheme decisions issued by Edinburgh Sheriff Court which have given some insight on how the courts are going to treat the sanctions available under the tenancy deposit scheme regulations in Scotland.

One landlord had failed to lodge the deposit with the scheme and provide the prescribed information. He claimed he wasn't aware of the scheme and the duties that came with it, as he lived in Australia.

The Sheriff felt that the landlord had a dismissive attitude towards the regulations and to his duties and had not given any explanation for his failure to comply with the regulations. The Sheriff awarded the tenant three times the amount of the deposit – £3,450.

In an other case, the landlord's agent had lodged the deposit with a scheme and had attempted to send the prescribed information to the tenant. However when doing so, they misspelled the postcode of the tenancy address. The tenant denied having received anything. The Sheriff accepted that this had simply been an administrative error however he took the view that sending out the information where the postcode was incorrect did not equate to a provision of information and therefore compliance with the relevant duty.

The Sheriff did take into account the circumstances surrounding the case. The deposit had been lodged and there had at the very least been an attempt to provide the information. The Sheriff awarded the tenant the sum of £775 which was equivalent to the deposit paid.

Please make sure that you don't breach the conditions of the tenancy deposit scheme.

Changes in law

Tenant Information Packs: *The Tenant Information Packs (Assured Tenancies) (Scotland) Order 2013*

By law, a tenant information pack must be provided for all new assured and short assured tenancies. Landlords who provide an assured or short assured tenancy must by law provide new tenants with a tenant information pack. This includes the renewal of existing tenancies where the landlord and tenant draw up a new lease. A tenant information pack is not needed for existing leases.

The Tenant Information Pack is a standardised pack set out by the Scottish Government which provides information to tenants in privately rented housing. It talks about property condition, tenancy agreements and the rights and responsibilities of landlords and tenants.

The aim of the pack is to improve the accessibility of information available to tenants. It is recognised that good information may already be available to tenants and the pack is not intended to replace this, but to ensure that all tenants in privately rented homes receive the same minimum standard of information. A landlord must provide new tenants with the tenant information pack by the tenancy start date. The landlord can provide their details on the acknowledgement form, and the pack can then be provided to the tenant in hardcopy or electronically. Also, where there are joint tenants they can be asked to accept one pack between them. Where the tenant is provided with the tenant information pack by electronic communication, the landlord fulfils their legal duty by requesting that the tenant information pack's receipt be acknowledged by electronic communication.

Failure to provide a Tenant Information Pack is a criminal offence. If a landlord does not provide a pack, they can be fined up to £500.

The pack, and background information on what its introduction means for landlords, agents and tenants, can be viewed at: www.scotland.gov.uk/tenant/info and the regulations can be viewed at www.legislation.gov.uk/ssi/2013/20/contents/made.

Changes in law

Duty to include Landlord Registration information in adverts

On 1 June 2013, new legislation came into force requiring certain information to be included in advertisements. **This** means that:

- Properties for let must include the landlord registration number where the landlord is registered. In the case of landlords who have submitted a valid application and the application has not yet been determined, the phrase “landlord registration pending” must be included in the advert.
- Where there is more than one owner of the property, only one landlord registration number (or the phrase “landlord registration pending” if relevant) need be included in the advertisement.
- Where an advertisement includes properties across more than one local authority area, all of the landlord’s relevant registration numbers should be displayed on the advert. This will not apply to an advertisement published on or after 1 June 2013 where arrangements have been made with the publisher before 1 May 2013.

“Advertisement” includes any form of advertisement in writing whether to the public generally, to any section of the public or individually to selected persons. It does not include a notice board at or near the property concerned

Publishers may need to consider whether they need to make any changes to accommodate the new information that will need to be included in advertisements. The legislation does not specify what the advertisement must look like, or where in the advertisement the information must appear. It will be a matter for publishers and landlords to decide on the format of the advertisement, to make sure that the required information is included.

Failure to comply

The legislation covering the duty to include certain information in advertisements is Section 6 of The Private Rented Housing (Scotland) Act 2011. Landlords will be responsible for complying with the duty in the Act. For a registered landlord the sanction for failing to include a registration number is that they may be removed from the register. For a landlord who has applied to be registered the sanction is that the application may be refused.

Future changes in law

The Immigration Bill 2013 was introduced into the House of Commons on 10 October 2013. The bill proposes to disqualify some migrants from renting accommodation and seeks to introduce a requirement for private landlords to check prospective tenants' immigration status.

If the bill becomes law, landlords will need to check if they are covered by the new rules (there are significant exemptions). They will also need to make sure they understand the basis of a prospective tenant's permission to enter or remain in the UK and take then retain copies of specified documents. Landlords (and in some circumstances their agents) found to be letting properties to disqualified migrants may face fines of up to £3,000 per occupant.

The aim of the change is:

- Make sure new tenants in private rented housing are not living in the UK illegally.
- To complement the government's work in tackling rogue landlords who provide substandard or illegal accommodation.
- Make sure that landlords in the private rented sector take steps to check the lawful immigration status of individuals before allowing them rent or occupy property.
- To introduce financial penalties for landlords who rent to illegal immigrants having failed to comply with the checking requirement.

The Government has stated that guidance will be introduced. As and when we have more information about the changes, we will let you know.

Private landlord registration in Moray

Private landlord registration in Moray

This leaflet tells you about landlord registration, who it affects and what action we can take against those who do not register.



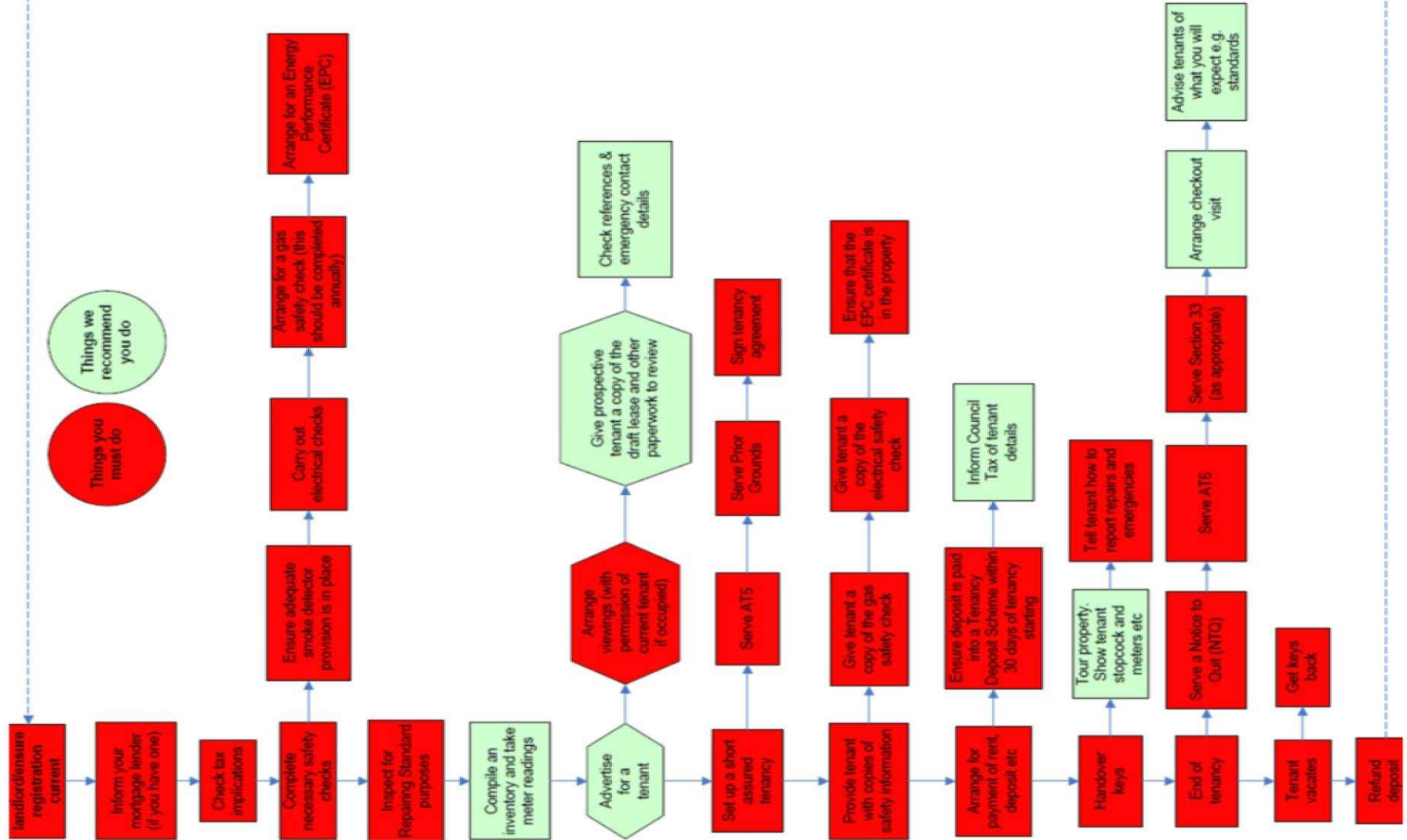
We have a leaflet that explains our policy, including information about landlord registration, who it affects and what action we can take against those who do not register.

You can view or download our leaflet "Private landlord registration in Moray" and the Private Landlord Registration Enforcement Policy on our website at www.moray.gov.uk.

We are continually updating our website information on the private rented sector. If you have any suggestions on how we can improve our website, please let us know.

**We do not set the fees.
These are set nationally
by the Scottish
Government and used to
administer the scheme.**

We still find that some landlords are not clear about they must do to legally rent out their property and comply the requirement of landlord registration. We have developed a simple checklist which shows all of the things that you must do and all of the things that you should do.



Energy efficiency grants for private sector tenants

In preparation for winter, Moray Council is working in partnership with [SSE plc] (trading as Scottish Hydro) and the Scottish Government to provide grant funding to help tackle fuel poverty, reduce tenant's fuel bills and improve the energy efficiency of properties in the private rental sector in Moray. If your tenant is in receipt of certain benefits, and measures are recommended in the Energy Performance Certificate (EPC), then your property could benefit from free or subsidised energy efficiency measures. The amount of funding that can be offered depends on a number of factors, including the energy efficiency of your property and the cost of the installations. SSE will carry out a free assessment and technical survey to assess the level of support that can be offered.

Could any of your rented properties benefit from any of the following?

- A more efficient Oil, LPG or Gas boiler
- A fuel switch from electric heating to gas heating (if there is a gas main in the area)
- Standard insulation measures including loft and cavity wall insulation
- An upgraded electric storage heating system

As a landlord you could benefit from:

- Energy efficient Improvements to your property which could be free of charge
- A full manufacturer's warranty
- Receiving an up to date copy of the EPC which we will return to you upon successful installation
- Happier tenants who may benefit from reduced fuel bills due to the property being more energy efficient

If you are interested in finding out more about this opportunity, please contact Scottish Hydro using the details below and an eligibility form and instruction details will be forwarded to you.

Scottish Hydro (Home Services) e-mail: eco.heeps@sse.com

Scottish Hydro (Home Services) contact number: 0131 335 5252

You and your tenants can also get free and impartial advice from Home Energy Scotland on saving energy and cutting costs. Call them on **0808 808 2282 (free from landline and mobile)**. Please let your tenants know that this advice is available.

Tenancy matters

If one of your tenants is at risk of losing their home, because they're falling behind with their rent or because of other issues they're facing, we can help.

Our Housing Support Team, would like you to report tenancy problems to us, as early as possible, so that we can provide assistance. This can help you avoid the costs associated with dealing with a crisis or a failed tenancy and finding a new tenant.

Our support includes: supporting someone get back on their feet; helping struggling tenants to manage the responsibilities of their tenancy, or tackling problems such as antisocial behaviour or rent debt.

If it is not possible to solve issues with your tenant, you should get independent legal advice. Eviction is a complex process. It is not enough to simply serve an eviction notice on a tenant to repossess a property.

There are certain process, which by law, a landlord must follow. For example, before a landlord can recover possession (evict a tenant), they must obtain a court order to eject the tenant. If a landlord does not follow the process set out by law, then the eviction will not be legal.

You can find more sources of information on our website and at the end of this newsletter.

Welfare reform

Local housing allowance for under 35s

Private tenants who are single and under 35 will get the 'shared accommodation rate of local housing allowance (LHA). Before 1 January 2012 this rate only applied to under 25s. You can find out more about LHA on our website. If you're aware of a tenant who is having difficulty paying their rent, then they may be able to apply for a Discretionary Housing Payment.

'Bedroom tax' does not affect private tenants

Since private tenants get help to pay their housing costs through the local housing allowance – not housing benefit which is paid to council and housing association tenants – they are not affected by the under-occupancy deduction or bedroom tax.

A cap on benefits

From July 2013 a cap on benefits was applied across Scotland.

For single people with no dependents the cap is £350 per week

For everyone else the cap is £500 per week.

Where a claimant's benefits are above the cap amount the amount of local housing allowance they receive will be reduced to bring their benefits down to the cap amount. If there is a shortfall between a tenant's rent and the local housing allowance that they receive then they will need to make this up out of other money. People receiving disability-related benefits are not affected by the cap.

Universal credit

Universal credit is a new way of paying benefits. It is gradually being introduced across the country with implementation due to finish by the end of 2017. It will eventually replace LHA, combining it with other benefits. Payments will be made directly into claimants' bank accounts at the end of every month.

Universal credit will replace:

- housing benefit (which includes LHA);
- income-based jobseeker's allowance ;
- income-related employment and support allowance ;
- income support ;
- child tax credits; and
- working tax credits.

Universal credit will be 'digital by default' – meaning all claims will be made and managed online, although help will be available for those who may struggle.

When to contact us

We know that the online landlord registration system can be problematic to use. Unfortunately we have no control over the online site. We administer the site on behalf of the Scottish Government.

If you are experiencing problems or need any help, please contact us and we will do our best to help you.

Please tell us when you:

- Change your contact details, including changes to your email address.
- Make any amendments to your registration. For example, if you add or remove any properties.
- Sell any of the properties that you had registered.
- Add or change your agent (this is a legal requirement).

How to contact us

If you have any questions or need any help or advice please contact us using the following methods:



01343 563327



landlord.registration@moray.gov.uk

More information

There are a number of good resources available online which will give you more in-depth and up to date information.

www.rentingscotland.org

This website offers practical guides if you are letting a property in Scotland. There is “A guide to: Renting your property out .” This is mainly for new landlords. However, if you are already a landlord then you can use it as a ready checker to make sure you are doing everything you need to.

You need to be aware that if any legal action is taken it will be raised against the landlord, even if you are using a letting agent - so you need to be aware of your responsibilities.

Our website also contains information on the private rented sector. This includes a checklist of things that you must do before you rent out your property.

Visit us at
www.moray.gov.uk

Tell us what you'd like to see in future editions. What information would you find useful? Email us with your suggestions, questions which you'd like us to answer in the newsletter, and any other comments you have at homelessstrategy@moray.gov.uk.

If you need information from the Moray Council in a different format, such as Braille, audio tape or large print, please contact:

如果閣下需要摩里議會用你認識的語言向你提供議會資訊的話，請要求一位會說英語的朋友或親人與議會聯繫

Jeżeli chciałoby Państwo otrzymać informacje od samorządu rejonu Moray w swoim języku ojczystym, Państwa przyjaciel lub znajomy, który mówi dobrze po angielsku, może do nas

Se necessita de informação, do Concelho de Moray, traduzida para a sua língua, peça o favor a um amigo ou parente que fale Inglês para contactar através do:

Jeigu Jums reikalinga informacija iš Moray regiono Savivaldybės [*Moray Council*], kurią norėtumėte gauti savo gimtąja kalba, paprašykite angliškai kalbančią draugų arba giminaičių susisiekti su mumis

Чтобы получить информацию из Совета Морэй на Вашем языке, попросите, пожалуйста, Вашего друга или родственника, говорящих по английски, запросить ее

Si necesitas recibir información del Ayuntamiento de Moray en tu idioma. Por favor pide a un amigo o familiar que hable inglés que:



Housing and Property
The Moray Council
PO Box 6760
Elgin
IV30 9BX



Phone: 0300 123 4566



Email: housing@moray.gov.uk



Textphone (Wednesday or Thursday only):
18002 01343 563319