

MALDON DISTRICT

Landlord Information Pack



useful contacts:

Maldon District Council

01621 854477
www.maldon.gov.uk
housing@maldon.gov.uk
environment@maldon.gov.uk
revenues@maldon.gov.uk

Citizens Advice Bureau

01621 841195
www.adviceguide.org.uk

Shelter

0808 800 4444
www.shelter.org.uk/advice

NICEIC

0870 013 0382
www.NICEIC.org.uk

Health and Safety Executive

0845 345 0055
www.hse.gov.uk

Gas Safe

0800 408 5500
www.gassaferegister.co.uk

Chelmsford Trading Standards

0845 404 0506
trading.standards@essexcc.gov.uk

Energy Performance Certificates

0304 444 0000
www.communities.gov.uk/epbd

Deposit Protection Service

0844 472 7000
www.depositprotection.com
enquiries@depositprotection.com

Inland Revenue

0845 366 7813
www.HMRC.gov.uk

Gateway to Homechoice

www.gatewaytohomechoice.org.uk

Essex County Fire and Rescue Service - Advice and Enforcement

01376 576 000
www.essex-fire.gov.uk

landlord information pack - introduction

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The **landlord information pack** is designed to give landlords information about all aspects of renting a home, and how to avoid common pitfalls.

Maldon District Council is committed to ensuring every private tenant has a safe, decent place in which to live backed up by a responsible landlord. At the same time, we need to be realistic that there are challenges, such as resources, which require serious attention if we are to achieve this goal. The introduction of this Landlord Information Pack is a further step towards ensuring progress is being made.

The Council's Strategic Housing Service has worked closely with other key services when putting together this pack, and they already liaise closely with individual private landlords.

The purpose of this **landlord information pack** is to give landlords an overview of our service, our standards and the legal requirements for both landlords and tenants.

In order to achieve safe and decent accommodation for private tenants with responsible landlords, we aim to:-

- Encourage landlords to improve the standard and maintenance of their properties as well as;
- Informing tenants of their rights and responsibilities.

Please do not hesitate to contact our service for further advice.

General guidance only

We have made every effort to ensure this information pack is current and accurate. It offers general guidance only and is not intended to provide a complete and authoritative statement of law.

If you are in anyway unsure about your legal position or how best to proceed with a particular matter, you are advised to seek advice from the local Citizens Advice Bureau, or contact us on the number below.

If you need more information, see each of the fact sheets details, where to find more information, alternatively contact us at the following address:

Strategic Housing Service
Maldon District Council, Princes Road, Maldon, Essex CM9 5DL

Tel: 01621 854477

Fax: 01621 852575

E-mail: housing@maldon.gov.uk

Website: www.maldon.gov.uk/housing

If you have any suggestions on how this information pack can be improved, we would be pleased to hear from you.

PRE TENANCY INSPECTION

- 1 Landlord Property Checklist
- 7 The Tenancy Agreement - The Inventory
- 8 Tenancy Deposits - What is tenancy deposit protection?

FACT SHEETS AVAILABLE

- F1 Landlord & Tenant Law -
Tenancy Issues
- F2 Electrical Safety
What are the minimum standards?
- F3 Gas Safety
What are the minimum standards?
- F4 Furniture and Furnishings
Does your furniture comply with the regulations?
- F5 Energy Performance Certificate
- F6 Housing Standards
(Housing Health & Safety Rating System)
- F7 Enforcement
What action can be taken?
- F8 Houses in Multiple Occupation (HMO)
What is multiple occupation?
- F9 HMO Amenity Standard
What are the standards?
- F10 What to do if things go wrong with renting?
- F11 Frequently Asked Questions
- F12 Local Housing Allowance
- F13 Rent Deposit Guarantee
How the scheme can help provide a deposit

These documents can be made available in larger print, braille, audio or other languages, if necessary.

For details, please call 01621 854477.

landlord information pack - pre tenancy inspection: property checklist



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Meeting minimum standards

It is essential that you make sure you take enough time to check the exterior and interior of a property as closely as possible. The property checklist will help to prompt you to identify potential problems and hazards, before you let the property. **Use this checklist with your tenant to evidence that you are keeping the accommodation to the required legal standards of health and safety.**

Property Address			
Landlord/agent tel number			
Other useful contact number if landlord unavailable			
Other emergency numbers, eg:			
plumber			
electrician			
Minimum length of tenancy			
Deposit amount	£	Rent amount per week/month	£
Furnished Properties only - list of furniture and goods to remain, eg			
chairs		table	
washing machine		fridge/freezer	
Tenancy Agreement seen and understood			
Inventory checked and signed			
Repairs procedures explained			
Utility provider details		Meter reading	date taken
Gas			
Electric			
Water			
Rubbish Collection Day		Neighbourhood information	
Distance from work/school			
Libraries			
Public Transport			
GP		Dentist	
Other			



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INTERNAL - Basic factors to be considered in more than one room. All rental properties with a new tenancy in England and Wales are required to have an Energy Performance Certificate (EPC). Please see page 15.

Your Notes

Electrics

Provide copies of the electrical safety certificate, typically labelled NICEIC.

Carry out a basic visual check to identify hazards e.g. check condition of electrical sockets, are they chipped or cracked?

Ensure there is adequate natural and artificial lighting throughout the property.

Gas

Provide copies of the GasSafe gas certificate. A gas boiler should be serviced annually and service records including a gas certificate should be made available. Carry out a basic visual check to identify hazards e.g. check condition of all gas fires.

Turn them on full to make sure they are working.

Look for soot like marks on the appliance e.g. boiler/gas fire or on the surrounding wall.

Heating

Ensure each room/unit of accommodation is provided with space heating i.e. radiators/ fixed gas or electric heaters. Kitchens and bathroom are traditionally the most likely room to be lacking a radiator.

Heating would normally be provided in the hallway and on the landing.

Have you given instructions for the boiler to your tenant?

Make sure the heating and hot water are working. Check how many radiators there are in each room.

Ventilation

Ensure that all rooms have adequate even ventilation throughout the property.

Check that all windows can open and that extractor fans work.

Dampness

Check for staining on walls, mould growth, peeling wallpaper etc.

Doors

Are all the doors in good working order? ie Can be opened and closed with ease; good repair; good fit to frame/draught free; are all the locks working correctly?



Windows

Are all windows in good working order? E.g., can be opened and closed with ease; no defective timbers; good fit to frame/ draught free; working catches; no broken glazing etc?

Is there any mould evident?

Are the keys available for all window locks?

Fire Prevention

New Build and Newly Converted - Ensure: suitable and sufficient Risk Assessment; mains powered battery back-up system with interlinked optical smoke alarms to Grade D LD2 Standard; circulation routes and risk rooms adjacent to, ie living room.

Existing Dwelling Single Storey - Ensure suitable and sufficient Risk Assessment; battery powered system with optical smoke alarms with a minimum of 5 year battery life in circulation areas (hallways).

Existing Dwelling More than One Storey - Ensure Grade D LDS system; mains powered battery back up interlinked system with optical alarms in circulation areas.

Furniture

Soft furnishings provided by the landlord must be fire retardant, in accordance with the Furniture & Furnishings Regulations. Check for a label, which is located on the frame of the furniture or under cushions. The label should show the British Standard Institution kite mark, proving that they are fire resistant.

Flooring & Carpets

Check for uneven or loose floorboards. Note the condition of carpets. Make sure faults are recorded on the inventory prior to occupation.

EXTERNAL – THINGS TO CONSIDER

Is the main fabric of the property free from disrepair E.g. roofing in good repair; render/ brickwork in good order?

Are the gutters and down pipes damaged, leaking or filled with vegetation?

Is there safe access to the front and rear of the property i.e. are steps suitable and safe – Is there a handrail?

Are the waste pipes, gullies, or soil vent pipes secured properly with brackets? Gullies should be clear. Check for cracks in the pipe.

Are the boundary walls, fencing, outbuildings or sheds in a safe and secure condition?

Show where the gas and electric meters are.

Are they card meters? Is there a water meter?

Where is the stop tap, does it work?

Is there a fuse box or RCD detectors?



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ROOM BY ROOM

Kitchen

Your Notes

What is the kitchen layout like? The kitchen can be a busy room and a large proportion of household accidents occur in the kitchen e.g. safe position of cooker in relation to doorways.

Are the kitchen fixtures and fittings in good condition and can be easily cleaned? E.g. cooker, sink, drainer, work surfaces, fridge/freezer, cupboards, extractor fan.

Have you given instructions to your tenant for the fittings e.g. washing machine?

Is there enough storage and space for preparation of food? I.e. Min of 2 base and 2 wall units; and a continuous work surface for the safe preparation of food.

Run the hot and cold water taps ensuring the supply is adequate and the water runs away properly.

Is there enough natural ventilation? E.g., do the windows open and close easily? Ensure that there is no mould growth present.

Are there enough electrical sockets in a safe position? I.e. not over sink or cooker. It is recommended that a minimum of 3 double sockets are available for use.

Bathroom/WC

Run the hot and cold water taps ensuring the supply is adequate and the water runs away properly. Run your fingers over visible pipe work to check for any leaks.

Are all the basic amenities i.e. toilet/wash hand basin, bath/shower, fitted securely and in good working order?

Is there sufficient natural/artificial ventilation? e.g. do the windows open and close easily?

Ensure that there is no mould growth present.

Stairs/Hallway/Landing

Are the stairs in good repair?

Are the handrails/banisters secured?

Are there any gaps where a child could easily fall through e.g. gaps between spindles.

Open tread staircases will need to be filled in. Does the banister/ handrail create a climbing hazard for children?

Is there enough lighting in the common parts of the property? Can light fittings be easily accessed to change the bulbs?



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This additional checklist is only applicable if this is a House in Multiple Occupation (HMO).

If the property is rented to more than one household and they share a common facility e.g. Kitchen/bathroom, then the property is an HMO.

HMO properties have to comply with additional legal requirements. This additional checklist will prompt you to identify if the minimum health and safety requirements are being met, before you commit to letting the property.

Shared Kitchen Facilities

Dependent on the type and size of the HMO property and the physical constraints, the shared kitchen should not be more than one floor distant from any unit of accommodation.

A shared kitchen should be for a maximum of 5 persons. Amenities. i.e. cooking facilities/fridge/freezer, must be provided on a 1: 5 person ratio.

Your Notes

Kitchen designed to allow for the safe provision of all facilities and safe circulation e.g. safe position of cooker in relation to doorways.

Are the kitchen fixtures and fittings in good condition e.g. cooker, sink, drainer, work surfaces, fridge/freezer, cupboards, and extractor fan?

Is there enough storage and space for preparation of food i.e. Min of 1 base and/or 1 wall unit per unit of accommodation.

A continuous work surface for safe food preparation.

Adequately sized fridge and freezer

Cooker with a min. of four rings or the equivalent and an oven and grill.

An adequate piped supply of hot & cold water to the kitchen sink.

Sufficient natural ventilation e.g. do windows open and close easily?

Sufficient natural and artificial lighting.

Min. 3 double electrical sockets in safe position i.e. not over sink or cooker.

Adequate refuse disposal arrangements.



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Shared Bathroom/WC

Adequate bathroom/WC must be provided within the HMO on the basis of a minimum of 1:5 persons.

No unit of accommodation shall be more than one floor distant from nearest bathroom/WC.

Notes

Adequate supply of hot & cold water to wash hand basin, bath/shower.

All basic amenities i.e. toilet, wash hand basin, bath/shower, fitted securely and in good working order.

Is there enough natural/artificial ventilation e.g. do windows open and close easily?

Is extractor fan in good working order?

Is there enough natural and artificial lighting?

Means of escape in case of fire and other fire precautions

Factors affecting means of escape in case of fire are varied. Landlords of HMOs should consult with the Council's Environmental Health Service for specific requirements in each case. The following minimum fire safety works must be provided:

Notes

Suitable and sufficient Risk Assessment

Kitchen door to be a fire door incorporating smoke seals & self-close devices.

Fire Blanket provided in the kitchen

Interlinked optical type smoke detectors (with battery back up), wired into mains, positioned in circulation spaces i.e. landing and hallway.

Ensure suitable emergency lighting in escape routes (except in two storey flats).

Space Standards

All letting rooms should be of adequate size, and a minimum floor space applies.

Where other rooms e.g. lounge/dining room are available in addition to the bed sitting room, then the room sizes may vary.

Notes

A single bedroom for 1 person: Floor area of letting room min. 8 sq.m

A double bedroom for 2 persons: Floor area of letting room min. 12 sqm



What is a tenancy agreement? (See the Landlord and Tenant Law Fact Sheet)

- It is an agreement that should clearly set out tenant and landlord responsibilities
- It must be clearly written and free of unnecessary jargon.
- Check the type of tenancy; usually they are short-term assured tenancies, running for 6-12 months.
- Once signed, the tenancy agreement is a legally binding contract. The tenant is responsible for the remaining rent if they leave the property before the end of the agreement, unless the contract permits otherwise.
- Always ensure a copy of the tenancy agreement is given to the tenant.
- For information regarding alternative tenancies please contact Maldon District Council Housing Services.

What is the basic information that should be contained within the Tenancy Agreement?

Make sure this minimum information is contained within the agreement before it is signed:

- The landlord's name and contact address
- The tenant's name
- Address of the property to be let
- Duration of the tenancy
- Amount of rent payable
- Date rent is payable
- How the rent is to be paid? e.g. weekly, 4 weekly or calendar monthly.
- The rent review arrangements
- Who is liable to pay gas, electric, water and council tax bills
- Amount of deposit payable
- How and when deposit is to be paid.

What is an Inventory?

An inventory should list all contents and their condition as well as the general condition of décor and maintenance. Clear, dated photographs of rooms, floor coverings, doors, and windows may be used.

The landlord should provide this inventory which should be checked and agreed with the tenant at the time of the viewing. The tenant will probably be paying a deposit and it is the inventory that will decide how much of that deposit is returned to the tenant at the end of the tenancy. If possible, take photographs of the property.



What is a tenancy deposit scheme?

A tenancy deposit law was introduced on 6th April 2007, from this date landlords and letting agents have had to protect the deposit using a government authorised tenancy deposit scheme.

Tenancy Deposit Protection is designed to ensure:

Tenants get all or part of their deposit back, when they are entitled to it;

Any disputes between the tenant and the landlord or agent will be easier to resolve.

How do I find out more about keeping the tenant's deposit safe?

Enclosed within the information pack is a Communities and Local Government leaflet, called 'Letting? - Are you protecting your tenant's deposit?' and a leaflet from The Deposit Protection Service, called 'The home of fast, free, secure deposit protection. Both leaflets detail what landlords need to do to comply with the new legislation.

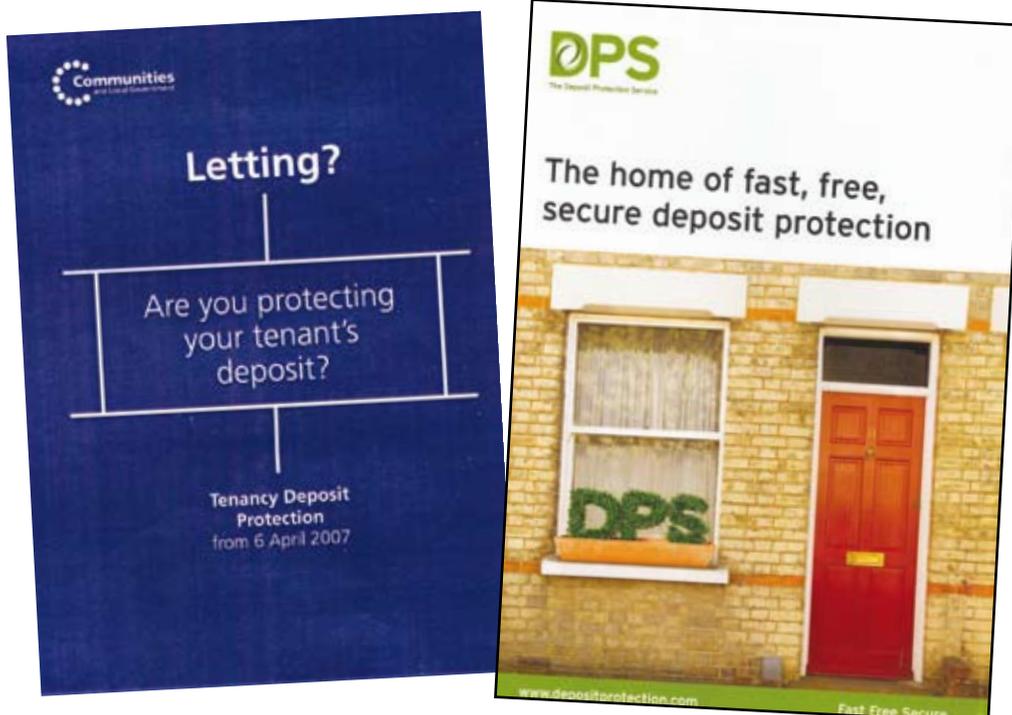
The leaflet details useful links to the government's authorised organisations who are currently running the schemes.

For further advice contact:

www.direct.gov.uk

www.depositprotection.com

Maldon Citizens Advice Bureau: Tel: (01621) 841195





To avoid disputes and breaches of law, it is important that landlords and tenants have a clear understanding of their rights and responsibilities in respect of the property and one another. The law relating to Assured and Assured Shorthold Tenancies outlined as follows is contained in the Housing Act 1988. Important changes were made by the Housing Act 1996. For guidance that is more detailed refer to the Communities and Local Government leaflet: 'Assured and assured shorthold tenancies – a guide for tenants'

Assured Shorthold Tenancies

Most landlords let on an Assured Shorthold Tenancy and it is the usual form of letting if:

- The property is let as a separate accommodation and you are not resident in the property.

An Assured Shorthold tenancy has a minimum initial fixed term of six months. At the end of this period, you, as the landlord, have the right to ask the tenant to leave (seek possession); provided that you give 2 months' notice requiring possession. A notice seeking possession can be served at any time during the tenancy agreement's fixed term but cannot be enforced before the fixed term comes to an end.

There are exceptions to this where a landlord has reason to seek possession under grounds specified in the Housing Act e.g. rent arrears, nuisance issues, damage to property and/or contents.

Rent Increases

Rent and arrangements for payment should be included in the tenancy agreement. The rent agreed may be fixed for the length of the tenancy term, or the agreement may detail that it will be reviewed at regular intervals.

The landlord cannot put the rent up by more than what has been agreed in the tenancy agreement, unless the tenant agrees.

Disrepair

A landlord is responsible for repairs to:

- The structure and exterior of the premises.
- The fittings provided, including those for gas, electricity, heating, water and all sanitary installations.

These duties would normally include putting into repair anything provided which was in disrepair at the start of the tenancy; however, this may depend on what you agree with the tenant. If you fail to carry out repairs after being told about them, a tenant can seek remedy through the Council's Environmental Health Service.

A Landlord is not generally responsible for repairs arising from damage caused by a tenant. A landlord can seek possession if a tenant (or someone living with the tenant) has damaged the property.

Bringing a tenancy to an end

When a landlord wishes to seek possession (other than on the shorthold ground) he should first serve notice on a special form, stating on which grounds of the Housing Act 1988 he wants the property back. Following expiry of the notice, a tenant has the right to remain in the property until a legal process of eviction has been completed through the County Court. The tenant does not have to leave the property until there is a court order requiring them to leave.



What are the minimum standards?

The electrical wiring, switches, sockets and all supplied electrical equipment must be safe and in good working order.

The design, installation, inspection and testing of electrical installations is controlled under the Building Regulations. All work must be carried out by persons who are competent to do the work.

A competent electrician must be employed to carry out all electrical work as faulty work can endanger life.

What is required of me, as a landlord, to comply with the regulations?

Electrical wiring – As a landlord, you should know how old the property's electrical wiring is, and have an approved electrician's report which will recommend how often the electrics should be re-inspected. More recent wiring may require fewer inspections.

Electrical equipment - If electrical equipment is supplied, then it must be safe.

This applies to both new and second-hand appliances, and will cover items, such as lamps, televisions, radios, irons, washing machines, microwave, refrigerator and other kitchen equipment.

In order to ensure compliance it is recommended that you take the following precautions:

- Items should be examined before each new tenancy. This could be part of the inventory process.
- Records should be made of equipment at the property, together with details of any examinations and when.
- Each appliance should be checked at reasonable intervals, bearing in mind the likely rate of usage of the appliance e.g. 6-12 month intervals.
- Ensure tenants know how to use all electrical equipment safely. Written instructions can be given appropriate to their safe use.
- If there are any doubts about the safety of an item it should be removed from use.

For further advice about electrical safety, contact:

The National Inspection Council for Electrical Contractors (NICEIC)

Technical help line: 0870 013 0382; Website: www.niceic.org.uk



What are the risks?

Carbon monoxide poisoning can be caused by gas appliances and flues, which have not been properly installed and maintained e.g., there is not enough ventilation due to a build up of debris behind a gas fire.

What are the Regulations about fire resistance?

Under the Gas Safety (Installation and Use) Regulations 1994, every landlord must ensure that gas appliances and flues they provide for their tenant to use are maintained in a safe condition.

What is required of me, as a landlord, to comply with the regulations

- The Regulations require landlords to carry out an annual gas safety check on installations, appliances and flues within the rented accommodation.
- Landlords must keep written records of all safety checks and must make copies available to tenants.
- Landlords must ensure all of the equipment that they supply with the property is safe to use, but most importantly, they must provide enough information for the safe use of all gas appliances, especially boilers.
- If the tenants own a gas appliance, they are responsible for its maintenance. The landlord is responsible for the maintenance of its installation pipe work.
- If an agent manages the property, the landlord must be clear as to who is responsible for the maintenance of gas appliances. The agreement must be put in writing.

If the law is broken, the Health and Safety Executive are responsible for taking further enforcement action.

Can the landlord do the works himself?

NO – Only businesses registered with GasSafe should be permitted to carry out installation and maintenance of gas appliances.

You should check the contractors GasSafe details, ask to see his/her certificate or check with GasSafe register direct.

The competent contractor will provide the landlord with a gas inspection certificate, and it must inform the tenant of any appliances found to be unsafe.

For further advice about the gas safety regulations, contact the Health and Safety Executive:
Gas safety advice telephone line: 0800 300 363; Website: www.hse.gov.uk

To contact GasSafe:
Tel: 0800 408 5500; Website: www.gassaferegister.co.uk



What are the Regulations about fire resistance?

From 1st January 1997, all upholstered furniture in rental accommodation has had to pass fire-resistance tests. These tests and other requirements are detailed in the Furniture and Furnishings (Fire) (Safety) Amendment Regulations 1993.

What type of furniture needs to comply?

The safety of the following types of upholstered furniture and fittings will be controlled by the Regulations:

- furniture intended for private use in a dwelling e.g. chairs, sofa.
- beds, headboard and mattresses
- cushions and seat pads
- pillows
- nursery and children's furniture

The regulations do not apply to furniture made before 1950.

How will I know that the furniture complies?

As a general rule, only furniture manufactured since 1988 is likely to comply with the regulations. Check all furniture in your property, and ensure there is a permanent label fixed to it. This label will be in one of the following styles:

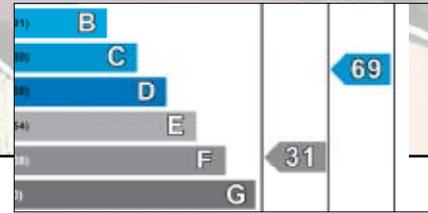
CARELESSNESS CAUSES FIRE	CARELESSNESS CAUSES FIRE
<p>A N Other Ltd, AB1 2XY AB 1234 1st March 1990 This article contains CM Foam, which passes the specified test. All upholstery is cigarette resistant. All cover fabric is cotton, and is Match resistant. This article does not include a Schedule 3 interliner.</p>	<p>Batch/ID No. OF 1234 To comply with the Furniture and Furnishings (Fire) (Safety) Regulations: This article does not include a schedule 3 interliner All foams, Fillings and composites have been tested to ensure compliance with the relevant ignitability test. All covers and fillings have been tested to ensure that they are cigarette resistant. All covers have been tested to ensure that they are match resistant. Further details are available from your retailer.</p>

FURNITURE AND FURNISHINGS

Items of furniture that do not have the fixed labels showing they comply should be replaced. You are advised not to use them in any letting, until you have obtained evidence that they comply.

You are reminded that it is a criminal offence to supply furniture that does not comply, which can result in a fine up to a maximum of £5,000.

For further advice about the Fire and Furnishing Regulations, contact :
Chelmsford Trading Standards: E-mail: trading.standards@essexcc.gov.uk;
Telephone: 08454 04 05 06



Landlords - are you ready for EPCs?

All rental properties with a new tenancy in England and Wales are required to have an Energy Performance Certificate (EPC).

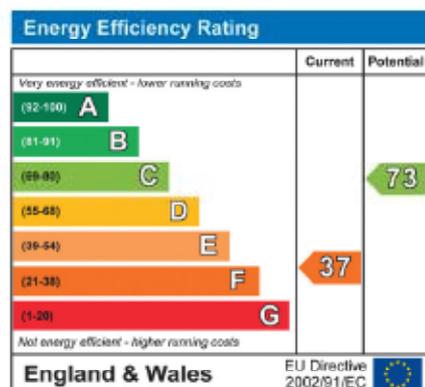
Why should you care?

Because your prospective tenants will be able to see at a glance how energy efficient and environmentally friendly your properties are. If you have invested in energy saving measures your properties will perform well and will really stand out from the crowd. If not you may find them harder to rent out in future.

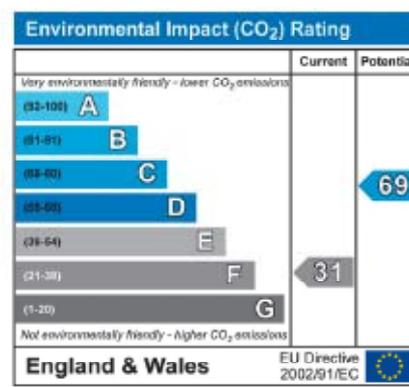
What is an Energy Performance Certificate?

EPCs look similar to the energy labels found on domestic appliances such as fridges and washing machines.

The energy efficiency and environmental impact of your property will be rated on a scale from A-G (where A is the most efficient and G the least efficient) as shown below. Current running costs for heating, hot water and lighting will also be shown on the certificate, together with a list of recommended energy saving improvements.



The energy efficiency rating is a measure of the overall efficiency of a home. The higher the rating the more energy efficient the home is and the lower the fuel bills will be.



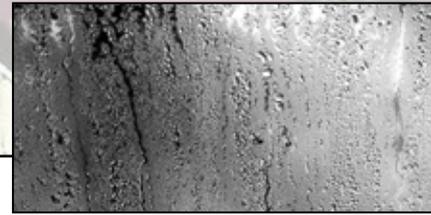
The environmental impact rating is a measure of a home's impact on the environment in terms of carbon dioxide (CO₂) emissions. The higher the rating the less impact it has on the environment.

How do I get an Energy Performance Certificate?

Either yourself or your letting agent will have to commission one from an accredited Domestic Energy Assessor (DEA). They will visit your property to assess the age, construction and location of the property as well as its current fittings such as heating systems, insulation, double-glazing etc. DEAs can be found in local directories or via www.hcrregister.com/FindAssessorInspector.

How much will they cost?

The cost of an EPC will vary. At the moment average costs range between £40 - £120, so it's worth shopping around.



When do I need to get one?

If you do not have one, you could be fined £200 for non compliance. The EPC will remain valid for ten years.

For free, impartial advice on energy efficiency improvements call Energy Savings Trust on 0800 512 012 or visit www.communities.gov.uk/epbd.

What can I do to make my energy rating as high as possible?

- Insulating your property is the most cost effective measure you can take. In most cases cavity wall insulation is straightforward, inexpensive and hassle-free. Installing new loft insulation in most properties is an easy DIY job and should be done to a depth of 270mm.
- If your boiler is over 15 years old, it's probably time to replace it and you will get a better rating if you combine it with modern heating controls. If you need to save space, buy a combi boiler, which does not store hot water in a tank but heats water directly from the cold water mains as it is used.
- Fit a hot water tank jacket.
- While double-glazing can be fairly expensive, it will reduce noise and lower heating bills.
- When purchasing new appliances look out for the Energy Saving Recommended logo, and choose the most energy efficient in their category.

Are there grants to help cover installation costs?

There are several grants available that can cut your costs by half or even to zero! Visit www.est.org.uk/myhome/gid to see if you are eligible.

If your tenants are in receipt of certain benefits you may be able to get your property insulated at a significant discount or even for free. Visit www.warmfront.co.uk (England) and www.heeswales.co.uk (Wales) for further information.

If you have insulated your properties, you can also reduce your income tax by claiming under the Landlords Energy Saving Allowance. Visit www.hmrc.gov.uk/budget2004/revbn31.htm for further information.

Why is the Government introducing EPCs?

Domestic energy use accounts for 27% of the UK's carbon dioxide emissions. The Government is introducing a number of energy saving initiatives, including EPCs, aimed at making all buildings more energy efficient. These measures are being applied across all European Union countries as per the European Directive for the Energy Performance of Buildings.

Where can I find out how energy efficient my properties are now?

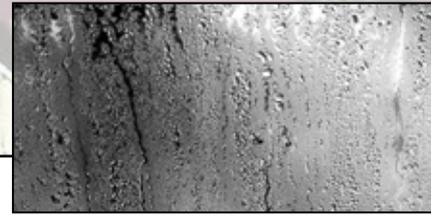
The Energy Saving Trust will provide you with a personalised Home Energy Check report on each of your properties for free. Simply complete the questionnaire* today and you should have your report very soon. Alternatively, visit www.energysavingtrust.org.uk for more information.

*Available online at www.energysavingtrust.org.uk/proxy/view/full/165/homeenergycheck.

Further Information:

www.homeinformationpack.gov.uk; www.energysavingtrust.org.uk; www.hipassociation.co.uk;
www.hcrregister.com

This fact sheet has been produced by the Energy Efficiency Partnership for Homes, an independent voluntary network funded by government and facilitated by the Energy Saving Trust.



What is the HHSRS?

It is a risk based assessment and considers the effect of any 'hazards' in the property. Hazards are rated according to how serious they are and the effect they are having, or could have, on the occupants and/or any visitors.

The basic principle is that the property should be safe for occupation.

What is a landlord responsible for?

A landlord is responsible for ensuring the property, including the structure; garden; outbuildings; means of access, and shared facilities, provide a safe and healthy environment for the occupants and any visitors.

All properties contain hazards, e.g. stairs, electrical outlets etc. it is not possible to remove all hazards. The emphasis should be to minimise the risk to health and safety as far as possible by either removing or minimising the hazard.

What happens if the property is not kept in a good condition?

Officers from the Environmental Health Service may inspect the property. If an inspector finds a hazard, two key tests are applied – what is the likelihood of a dangerous incident happening as a result of this hazard, and what harm could be caused?

Inspectors will normally concentrate on hazards that are likely to be worse than the average.

Hazards are normally assessed according to their likely impact on the most vulnerable group. 'Vulnerable' usually means children and the elderly. E.g. A winding staircase with no handrail could be a hazard for an elderly person. Once a property has been made safe for the most vulnerable, it should be safe for all.

As a landlord, you must give the tenant your/managing agent's contact number so that you can be contacted directly if repairs are needed.

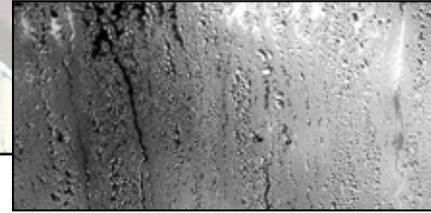
You should give at least 24hrs notice to your tenant that you intend to inspect the property or to carry out works. If it is genuine emergency e.g. burst pipe, a landlord/agent may enter without notice.

What happens if a landlord does not remove or minimise hazards found within the property?

Officers within the Council's Environmental Health Service are authorised to deal with poor housing conditions.

Officers have a range of enforcement powers dependent on how serious the case is. More formal action will be taken for those high-risk hazards, known as category 1 hazards. The first step would normally be to approach the landlord informally, and if the landlord does not respond, more formal action will be taken.

The Environmental Health Officers will ensure that they are consistent in their approach when deciding on what informal or formal action to take.

**What happens if a landlord wants to appeal against the formal action taken?**

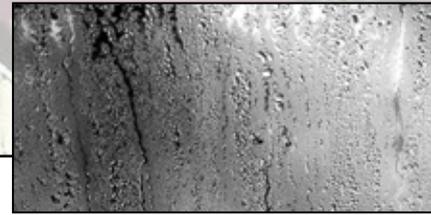
A Residential Property Tribunal hears appeals. This is an appeal panel of three people - a legal expert, a technical expert and a lay member. Tribunals are informal bodies and do not operate like courts, they hear cases presented by each side.

Where can I get more information?

The Department for Communities and Local Government (DCLG) has published detailed guidance on the rating of hazards and a number of documents can be downloaded or hard copies ordered.

More information can be found on their website: www.communities.gov.uk/housing.

Search under housing/making homes decent/housing health and safety rating system.



How will the HHSRS be used in enforcement?

Officers within the Council's, Environmental Health Service are authorised to deal with poor housing conditions.

Most issues can be resolved informally, without resorting to the powers of enforcement, but the council is serious about using its powers when it is clear there is no alternative.

When Environmental Health officers become aware of a hazard, officers will secure compliance with the Housing legislation through the use of:

- Education
- Informal action/advice
- Formal action, use of statutory notices

What type of formal action can be taken?

The Environmental Health Service will take appropriate formal action to deal with Category 1 hazards and moderate Category 2 hazards. The types of formal action will depend on how serious the case is.

The following courses of action are available to Environmental Health officers:

- Serve an improvement notice
- Make a prohibition notice
- Serve a hazard awareness notice
- Take emergency remedial action
- Make an emergency prohibition order
- Make a demolition order
- Declare a clearance area

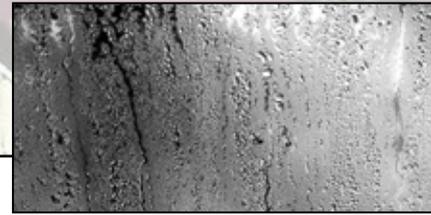
Officers cannot take more than one of these actions at one time, unless it is an emergency action. All notices and orders will include a statement of reason, detailing why this specific enforcement action was taken.

If a landlord does not respond, the council is most likely to move into more formal action by serving an improvement notice, which is the most practical remedy for most hazards. Information about this notice is detailed as follows.

Improvement notice –

An improvement notice will detail the following minimum information:

- Detail the premises to which the notice relates
- Detail the deficiencies and the associated hazards
- Detail the remedial action to be taken, which must be reasonable in relation to the hazard. The remedial action will remove/eliminate the category 1 and/or category 2 hazard and its reoccurrence within 12 months from the date of the notice.
- The date when action is to start, minimum 28 days must be given.



- The time period in which the action is to be completed
- Detail information on the right to appeal
- The notice will be registered as a local land charge, and will affect the future sale of your property if not removed. All parties with an interest in the property will be informed; this includes your mortgage company and may affect your household/builders insurance claims.

What action will the council take for minor hazards?

A Hazard Awareness Notice will be served which gives advice and does not formally require the owner to do anything.

The hazard awareness notice may be used in response to a minor hazard, and may be considered as part of the informal action agreed with the landlord. There is no provision for an appeal and the notice is not registered as a local land charge.

The service of a hazard awareness notice does not prevent further formal action being taken.

What happens if the landlord wants to appeal against the formal action e.g. Improvement Notice?

There is a right of appeal against any notice, order or decision made by the council. All appeals are made to a Residential Property Tribunal and must be made within a specified time from the date the notice was served. The Tribunal may confirm, quash or vary the notice, order or decision. Tribunals are informal bodies and do not operate like courts, they hear cases presented by each side.

Where can I get more information?

The Central Government Department, Department for Communities and Local Government (DCLG), has published detailed guidance on the Housing Act and more information can be found on their website:

www.communities.gov.uk.

Search under housing/making homes - Decent/housing health and safety rating system.



What is Multiple Occupation?

The following types of letting arrangements are known as Houses in Multiple Occupation:

- An entire house or flat which is let to 3 or more tenants who form 2 or more households* and who share a kitchen, bathroom or toilet. (*For a definition of household see the relevant question.)
- A house, which has been converted entirely into bedsits or other non-self-contained accommodation and is, let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building, which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.
- In order to be a HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants.
- Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges

What is a household?

A household is where members of the same family are living together. Therefore, three friends sharing together are considered three households.

If a couple are sharing with a third person that would consist of two households. If a family rents a property that is a single household. If that family had, an au pair to look after their children that person would be included in their household.

What are HMO landlords responsible for?

Standards for HMOs are detailed in the Housing Act 2004. The landlord is also responsible for the day-to-day management of the HMO, such as keeping common parts in a safe, clean condition and all shared facilities in good repair.

The Housing Act 2004 has also introduced licensing for certain categories of HMOs. Certain owners are now responsible for applying for a licence and will need to meet national minimum amenity standards.

As a landlord, how do I know if I need a HMO licence?

Not all HMOs require a licence.

If you can answer yes to both of the following two questions the property will need a licence:

1. Does the property have three or more storeys (including habitable attics or basements and any business premises or storage space on the ground floor or any upper floor), and
2. Does your property have five or more unrelated tenants?

health and safety



As a landlord, do I have to get a HMO licence?

An application form must be applied for from Maldon District Council's Environment Services.

A licence will be granted where it can be evidenced that:

- The proposed license holder and any manager of the property is a fit and proper person
- Proper management standards are being applied at the property
- The HMO meets the minimum national standards for the number of tenants.

Whether the HMO is licensable or not, a landlord will have a duty to comply with all relevant legislation. The tenant would have the right to contact the Environmental Health Service regarding any serious or potentially serious hazard within the property. Equally, if a tenant feels that the HMO in which they live should be licensed, and you refuse to allow them to see a copy, they can contact the Environmental Health Service for further advice.

For more information, refer to the enclosed Communities and Local Government leaflet: "Licensing of Houses in Multiple Occupation in England".

What are the minimum standards for HMOs?

Similar to other rented property, landlords of HMOs must ensure minimum health and safety and amenity standards are maintained. Health and safety risks are higher in HMOs than in any other properties, so landlords have increased responsibilities to minimise these risks.

In Essex, there is an approved HMO Amenity Standards document. Local Authority officers work with this document to ensure a consistent standard is applied throughout the County. Refer to the HMO (non-licensable) Essex Approved Amenity Standards Fact Sheet.

Inspection of HMOs

Maldon District Council's Environment Services inspects HMOs at regular intervals to ensure all the standards are being complied with. Officers have strong legal powers to enforce these standards, where necessary.

The frequency of inspection is determined by the level of risk found to exist at the property i.e. if a property is well managed and has fewer residents, it will be inspected less frequently.

All HMO properties used by the Council's Housing Options Service must first be inspected and passed by the Environmental Health Service, to ensure all standards are being met.

Where can I get more information?

The Department for Communities and Local Government (DCLG) has information on HMOs and licensing, including documents, which can be downloaded, or hard copies ordered. More information can be found on their website: www.communities.gov.uk/housing.

For information about Essex HMO standards; appointments for inspections; general advice, contact: Environment Services, Maldon District Council, Princes Road, Maldon, CM9 5DL
Tel: (01621) 854477; E-mail: environment@maldon.gov.uk; Website: www.maldon.gov.uk/environmental



What is the Essex approved amenity standards?

This is a countywide guidance document agreed by the Essex County Fire and Rescue Service and Essex Environmental Health - Housing Specialist Group. The document meets the Governments national standards and offers an explanation of what this means for Maldon. Specifically about meeting the minimum standards and the Housing Health & Safety Rating System.

The standards are summarised below.

KITCHEN FACILITIES

A kitchen should be provided normally for a maximum of 5 persons. Each kitchen should be equipped with at least the following minimum facilities:

Sink, drainer, hot/cold water supplies

Work tops of an adequate size for the number of persons sharing the kitchen

Minimum 3 double power points immediately above the work surface

A cooker with a minimum of four rings or the equivalent, an oven and grill

Storage for food i.e. cupboard space, fridge, freezer.

Refuse disposal facilities

BATHROOM/TOILETS

There should be at least one bath and/or shower, wash hand basin, WC for every 5 people in the property. No resident's bedroom shall be more than one floor distant from the nearest bathroom.

Space standards

All letting rooms to be of adequate size, and the following minimum floor space and type of occupation shall apply:

Maximum No. of persons	Floor area of letting room with separate kitchen	Floor area of separate kitchen (exclusive use)	Floor area of letting room where kitchen facilities provided in same room
1 person unit	8 sq m	4 sq m	11 sq m
2 person unit	12 sq m	7 sq m	15 sq m



Where other rooms, for example, shared lounges, are available in addition to a bedsit room, then the room sizes shown may be varied at the discretion of the inspecting officer.

LIGHTING & ELECTRICAL SOCKETS

Every letting, kitchen, bathroom, toilet and common hallway, stairs and landing, shall be provided with enough artificial lighting.

It is recommended that any room used as a bedroom or living room contain a minimum of 2 double sockets.

VENTILATION

Adequate ventilation is an important matter in minimising the hazards from e.g. damp and mould growth, excess heat, carbon monoxide and fuel combustion products.

Every room, hall, staircase, landing, kitchen, bathroom and W.C. compartment shall be provided with enough ventilation.

HEATING

To minimise any hazard from excess cold, each habitable room not provided with central heating, shall be provided with a suitably located fixed gas or electric heater capable of providing adequate heat output for the size of the room. Such heaters must be in the control of the tenants.

To minimise any hazard from fire, freestanding paraffin heating stoves or bottled gas heaters are not regarded as satisfactory.

FIRE SAFETY

The factors affecting the means of escape in case of fire are varied. Landlords of HMOs should consult with the Council's Environmental Health Service for specific requirements in each case. The following minimum fire safety works must be provided:

To any shared kitchen or any room containing cooking facilities provide:

a) A half hour fire-resisting door to any hallway forming part of the means of escape. This type of door has to resist fire and smoke usually for 30mins, giving time to escape. They are normally very heavy and have smoke seals and self - closing devices fitted. Ordinary doors are not adequate and will normally fail in a fire within minutes.

b) A suitable fire blanket

- Smoke alarms – 240-volt smoke alarm system to BS 5446 Part 1. Provide an optical type smoke detector (with battery back up), wired into the mains and interlinked together. The detectors should be positioned within the circulation areas i.e. one on the ceiling of the landing and one on the ceiling of the hallway. Note: More than one detector may be needed where there are long corridors, or changes in direction etc.
- Fire resisting materials - Each part of a building must resist fire usually for 30 minutes in a protected route. Bricks, blocks, concrete, plaster are all acceptable materials. Cheaper building methods would not comply e.g. partitions of hardboard, single sheets of plasterboard.



Management

The Management of HMOs (England) Regulations 2006 impose specific legal duties concerning the maintenance and repair of the water supply, drainage, gas and electricity supply, common parts of the house, common installation (W.C.s, baths, wash hand basins etc), living accommodation, windows and ventilation, means of escape from fire (including other fire precautions), and outbuildings and yards etc. in common use.

There are additional duties as to the general safety of residents, for example ensuring all means of escape from fire are kept clear of obstruction and the name, address and telephone number of the person managing the house must be displayed in a visible part of the house. Failure to comply with the Management Regulations requirement is a criminal offence, for which any person convicted could be fined a maximum of level 5 on the standard scale (currently £5,000).

Inspection of HMOs

The Essex approved amenity standards are appropriate for a wide range of the most common types of HMO's that do not require a licence. These standards are flexible and can be adapted to suit individual circumstances.

As part of the inspection process, officers can discuss with landlords any variations from the standards that may be appropriate for a particular HMO.

Where can I get more information?

The Department for Communities and Local Government (DCLG) has information on HMOs, including documents, which can be downloaded, or hard copies ordered. More information can be found on their website: www.communities.gov.uk.

For information about Essex HMO standards; appointments for inspections; general advice, contact the Environmental Health Service:

Tel 01621 854477; email: environment@maldon.gov.uk; Website: www.maldon.gov.uk/environment

landlord information pack - what to do if things go wrong with renting

page 26

What are tenants' rights against harassment and illegal eviction?

The law protects people living in residential property against harassment. It does this in two ways:

1. by making harassment and illegal eviction a criminal offence, as detailed in the Protection from Eviction Act and;
2. by enabling someone who is harassed or illegally evicted to claim damages through the civil court.

However, where there is actual physical assault, the tenant should call the local police.

What is harassment?

This is a very broad term, and can take many forms, but it is against the law for a landlord to do anything, which interferes with a tenant peacefully, or comfortably occupying their home. Some of the following actions by a landlord or agent could be considered harassment:

- Using threats to get the tenant to leave the accommodation
- Attempting to force the tenant to leave the home or locking the tenant out
- Withdrawal of gas, electric, water supplies e.g. the landlord has not paid the bill or disconnected the supply
- Anti-social behaviour by landlord or his agent, persistently disturbing the tenant in their accommodation
- Interfering with personal belongings
- The landlord, his agent or workmen entering the property without permission or giving notice

If a landlord is doing any of these things or any other action, which is giving the tenant no choice other than to leave the property, the tenant should contact the Strategic Housing Service or the Maldon Citizens Advice Bureau.

Officers will investigate a tenant's allegations and normally contact the landlord to try to resolve the dispute. If the issues cannot be resolved or there is enough evidence to show that an offence has been committed, the Council has the power to prosecute the landlord.

Useful contacts:

Strategic Housing Service Tel: (01621) 854477; E-mail: housing@maldon.gov.uk

Maldon Citizens Advice Bureau Tel: (01621) 841195

What is illegal eviction?

A landlord must follow the correct legal procedures. In most cases, a tenant will have the right not to be evicted from their accommodation until the landlord has first obtained a formal possession order from the County Court. This order can be enforced by a bailiff appointed by the Court.

In general, tenants will be first served with some form of written notice from the landlord informing them that the tenancy is to be brought to an end. In most cases, this notice period is two months. Unless the tenant leaves the accommodation voluntarily, the landlord will then apply to the County Court for a possession order.

Useful contact: Maldon Citizens Advice Service Tel: (01621) 841195

Can a tenant be compensated for having been harassed or illegally evicted?

A tenant can claim damages through the civil court and tenants are advised to contact a local solicitor, who is experienced in landlord and tenant law.

Other things that may go wrong:-

Coping with debt and rent arrears

If a tenant has problems paying their rent or other bills, they should contact the National Debt Line who can provide a range of advice and assistance, or contact the local Citizens Advice Bureau. This service has a money advice team and officers will arrange an appointment with them and where necessary help them to manage their finances.

Maldon District Council Housing Revenues and Benefits Tel: 01621 854477

The National Debt Line Tel: 0808 808 4000

Useful contact: Maldon Citizens Advice Bureau Tel: 01621 841195

Problems with repairs or poor housing conditions

If a landlord has not carried out repairs within a reasonable time, the tenant can contact the District Council's Environmental Health Service. Officers will liaise with the landlord and where necessary take more formal action using their powers under the Housing Act, to ensure the works are carried out.



What is the tenant responsible for?

- Make sure they follow all anti-social behaviour laws and do not create a nuisance e.g. excess noise.
- Pay bills for gas, electricity, telephone etc. if this has been agreed with the landlord.
- In most cases, paying the council tax, water and sewerage charges.
- Paying rent as agreed.
- Taking proper care of the property.
- Allowing the landlord reasonable time to carry out repairs.
- Providing access to the property for the landlord if a reasonable period of notice has been given.
- Give the required notice, specified in the tenancy agreement, to end the tenancy.

As a landlord, what am I responsible for?

- Repairs to the structure and exterior of the property, heating, utility supplies, basins, sinks, baths and toilets.
- The safety of gas and electrical appliances.
- The fire safety of furniture and furnishings provided under the tenancy.
- A landlord must provide a property tenancy agreement, detailing how and when rent is to be paid. Rent levels can be increased if allowed for in the tenancy agreement.
- If rent is to be paid weekly, a rent book must be provided.

When can a tenant be asked to leave?

- A landlord can ask a tenant to leave at any time after 6 months, provided any fixed term agreed with the tenant has ended. A landlord must give a tenant two months' notice in writing that he wants the tenant to leave, unless the landlord has reason to seek possession earlier. The grounds for possession before the end of the fixed term are set out in law, e.g. rent arrears, nuisance, or damage to property or contents.
- The landlord cannot force a tenant to leave, but may apply to a Court for a possession order. If the tenant does not leave by the date set by the order, the landlord may apply to the Court for a warrant for eviction. The Court will then appoint bailiffs to evict the tenant.

What happens if a tenant gets into rent arrears?

- The landlord can give a tenant notice that he will seek possession through the court. The landlord can apply for a possession order using a faster court procedure, if the tenant owes at least 8 weeks (if they pay weekly) or 2 months (if they pay monthly) rent, at the time the notice is served. If a tenant is in receipt of Housing Benefit, the landlord can apply to Maldon District Council Benefits Service to request direct payment of rent to the landlord.

If a landlord has not carried out repairs, does the tenant have the right to withhold any rent?

Note: There is no absolute right in law to withhold rent, as not paying rent means that they will have broken the contract. A landlord may use this as a ground to seek possession before the end of the tenant's fixed term.



How much notice should a landlord give the tenant if he wishes to inspect the property or carry out repairs?

- 24 hours written notice is the accepted practice unless it is a genuine emergency e.g. a burst water pipe when the landlord may enter without prior notice.
- However, a tenant can accept verbal notice of a shorter time period if it is reasonable to do so, bearing in mind it is in the interest of both parties to have the repair carried out.

How much time should a landlord be allowed to carry out repairs?

- It would not be reasonable to expect a landlord to carry out repairs immediately or even within 48hrs depending on the severity of the hazard created by the disrepair.
- A tenant must allow a reasonable time period, and co-operate with regard to access, to enable estimates to be obtained.
- For example, if the boiler is not working and the tenant is without hot water and/or heating, a period of 1-2 weeks should be adequate to enable a landlord to provide the tenant with a start and completion date, if not complete the repairs.

Where can I get more detailed information?

Contact the Strategic Housing Service: Tel: (01621) 854477; E-mail: housing@maldon.gov.uk
Website: www.maldon.gov.uk/housing

A more detailed Communities & Local Government booklet is available free of charge:
'Do you rent, or are you thinking of renting, from a private landlord?'

Tel: 0303 444 0000

Email: contactus@communities.gov.uk

Website: www.communities.gov.uk/housing



What is Local Housing Allowance (LHA)?

Local Housing Allowance (LHA) is the name for housing benefit for tenants in privately rented accommodation which came into effect on the 7th April 2008. LHA is a flat rate allowance based on the size of household and the area in which a person lives. There are no changes to the entitlement rules – this will still be based on a person's income and savings and proof of a valid tenancy.

Local Housing Allowance will usually be paid directly to the tenant, not the landlord. A tenant will normally receive payment straight into a bank account. If they do not have a bank account then information is available on the Council's website on how to go about obtaining one. Once the tenant begins receiving Housing Benefit or LHA it is up to them to make sure that their rent is paid to the landlord.



damage deposit guarantee

What is the Damage Deposit Guarantee Scheme?

The Damage Deposit Guarantee Scheme (DDGS) provides homeless people and families on a low income with the opportunity to find accommodation of their choice in the private sector. This scheme helps to prevent homelessness and long stays in temporary accommodation.

Who is the scheme for?

Families with children. Prospective tenants must be homeless or about to be homeless and must be on a low income and not able to raise the rent or deposit in advance. They must also have been resident in the District for at least six months.

How can the homeless service help?

We will assist applicants in finding a property that is affordable, safe and in an area of their choice. Applicants will need to apply to the Department of Works and Pensions (DWP). For a crisis loan telephone 0800 032 8356; for a budget loan telephone 0845 608 8604. The crisis loan will be used to pay for the rent in advance. Applicants will need to repay the crisis/budget loan to the DWP.

What is a damage deposit?

The Council will give a damage deposit to a landlord or letting agent. The damage deposit will help cover the cost of repairing or replacing any items that are broken, damaged or missing. Applicants will need to pay back any amount paid out against the damage deposit and where there is a difference between the damage deposit and the claim, they will be held responsible.

Can applicants get help with the rent payments?

Applicants will only be considered for the scheme if we are satisfied that they can afford to pay the shortfall between their rent and housing benefit or Local Housing Allowance level.

Many of the families assisted under DDGS receive housing benefit to cover all or part of their rent. The Damage Deposit Guarantee Scheme will not cover rent arrears.

For more information about the DDGS contact the Housing Options Service on:
Tel: 01621 854477; Email: housing@maldon.gov.uk

Write to us at:
Housing Options Service, Maldon District Council, Princes Road, Maldon Essex CM9 5DL

Alternatively, visit our website: www.maldon.gov.uk/housing

MALDON DISTRICT COUNCIL

OUR VISION :

“working to encourage and maintain a District which takes pride in itself”.

OUR PRIORITIES:

To complement the vision, we have four key external priority areas:

• **Promoting Civic Pride**

Focuses on three key objectives. These are: • To encourage and promote strong and active communities; • To develop effective citizenship particularly with the younger residents of the District; • To enhance the Council’s externally focussed role as ‘community leaders’ throughout the District.

• **Protecting our Rural Heritage**

This priority seeks to develop a sustainable district that enhances, conserves and promotes its rural heritage.

• **Supporting an Active Local Economy**

This priority seeks to promote a diverse and active economy which meets the employment needs of today’s residents and future generations.

• **Increasing the Affordable Housing Supply**

This priority seeks to ensure that everyone in housing need in the District should have the opportunity of a decent home at a price they can afford.



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MALDON
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This document can be made available, on request, in larger print, braille and audio and languages other than English.

To obtain a copy in an alternative format please contact The Strategic Housing Team on 01621 854477.

It can also be viewed on our website:
www.maldon.gov.uk

