



Landlord Responsibilities 2020

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LANDLORD RESPONSIBILITIES 2020

It is fair to say landlords have many responsibilities in running their business.

There are more than 150 regulations which landlords must comply with, and there are many legal and financial obligations to manage.

At Holdencopley, we know many people feel overwhelmed with the responsibilities held by a landlord. Still, we are here to ensure you understand what is required, and how you should manage these responsibilities.

Check to see if you need to hold a licence to let property

The Selective scheme went live in Nottingham on Wednesday the 1st of August 2018. The scheme is scheduled to run for five years and Nottingham City Council have the option to renew it if they so wish.

Some areas are classed as “selective licencing areas”, and landlords need to obtain a “landlord licence” from the local council to be allowed to let property. There are several factors considered when issuing a licence.

The level of demand for a rental property in the area or the standard of anti-social behavioural problems influences local authority decisions.

Landlords who let rental property without first obtaining a licence, when required, may face a fine of up to £30,000.



RESPONSIBILITIES AT THE START OF A TENANCY

The beginning of a lease is an exciting time, and it is likely landlords and tenants have a lot of tasks to take care of.

However, a landlord has a lot of responsibilities to take care of at the start of a tenancy, which includes:

- Ensuring there is a valid Energy Performance Certificate (EPC) for the property, and that tenants receive a copy
- Making sure the rental property has a Gas Safety certificate, if applicable
- Landlords in England must ensure tenants receive the most recent copy of the How To Rent Guide
- If the tenant is stating on an Assured Shorthold Tenancy (AST), the deposit must be protected in one of the Government-backed schemes, within 30 days of receiving the deposit, and the tenant must be informed of the steps taken by the landlord, again in 30 days



LANDLORD RESPONSIBILITIES AT THE END OF A TENANCY

If a landlord wishes to end a lease or to regain possession of their property, there are two ways to achieve this:

1. Through a Section 12 notice, where it can be issued as a no-fault possession
2. Via a Section 8 notice

In England, for a landlord to serve a Section 21 notice to gain possession on an AST, the tenant must have received the following items/documents before the start of the tenancy:

- A valid EPC
- The most recent How To Rent Guide
- If applicable, a valid Gas Safety certificate
- If applicable, a deposit protection leaflet, prescribed information on how the deposit is being protected and certification relating to the deposit and its registration

Landlords should note if the rental property is an HMO and the property requires a licence, a Section 21 notice would be invalid if there was no licence for the property.

Landlords should also heed the Deregulation Act 2015, which states Section 21 notices are determined invalid if a local authority has served an enforcement notice relating to a tenant complaining about the rental property's condition.



THE RIGHT TO RENT CHECK

While some industry experts believe the Right To Rent check requirements may be relaxed in 2020, they are currently in force in London.

These provisions came into effect in December 2016, and they require landlords to carry out checks on prospective tenants, ensuring they hold the legal right to live in the United Kingdom.

Landlords are required to view and copy identity information and documents, such as visas and passports.

The landlord (or agent working on behalf of the landlord) will be deemed liable if they knowingly let rental property to tenants who have no right to live in the UK. If the landlord is found guilty, penalties include an unlimited fine or up to five years in prison.

If a landlord can show they have taken measures to stop the tenancy, and evict the tenant within a reasonable amount of time, they can mount a defence.



LANDLORD RESPONSIBILITY FOR REPAIRS & MAINTENANCE

When it comes to renovations in the rental property, landlords are responsible for issues relating to the structure and exterior of the rental property.

Examples of these matters include the central heating, hot water installations, sinks, baths and other sanitary features.

If the tenant has caused damages, the tenant is responsible for them, not the landlords. However, some landlords decide to take responsibility for these repairs and then invoice the tenant for work carried out.

You will also find landlords are obligated to do specific tasks at their rental property, which includes being responsible for exterior or structural repairs; which provides for issues with drains, guttering, walls, chimneys and roofs.

Landlords have a responsibility to ensure equipment which supplies water, electricity and gas is in good working order.



LIAISING WITH TENANTS

While landlords have a right to access the property for inspections and to carry out repair work, it is essential to provide tenants with reasonable notice for any visit. Unless the visit is an emergency, landlords should arrange a suitable time for any visit to take place.

In this instance, many landlords insert the amount of notice which will be provided to tenants in the tenancy agreement. There is a lot to be said for having as much in writing as possible, and for issues like this, it ensures landlords and tenants know exactly what is happening.

According to Section 11 of the Landlord and Tenant Act 1985, landlords are responsible for:

- Maintaining the structure and exterior of the property in a good standard, which includes drains, gutters and external pipes
- Ensure installations for water heating, and space heating are in proper working order



HOMES (FITNESS FOR HUMAN HABITATION) ACT

With regulations such as the Homes (Fitness for Human Habitation) Act, in addition to specific gas and fire safety regulations, landlords must know what health and safety obligations they must meet, which include:

- Arranging a gas safety check every 12 months, and this test must be undertaken by a Gas Safe registered engineer
- Ensuring all furniture complies with safety standards
- Ensuring all electrical equipment complies with safety standards
- Making sure there is a smoke alarm on every floor of the property and placing a carbon monoxide detector in all rooms that have a wood-burning stove or coal fire



CONTACT US

We offer property management, property to rent and property for sale in Arnold, Woodthorpe, West Bridgford, Hucknall, Carlton, Wilford, Mapperley and throughout the Nottingham area.

If you would like to arrange an appointment to help you negotiate the local buy-to-let market, please contact Holdencopley today by calling us on 01158969800 or emailing steven@holdencopley.co.uk.



**CALL US ON:
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