

Private Tenants Charter

Privately rented housing is different from home ownership or social renting it should not be worse! All private tenants and their families deserve secure, decent and affordable homes in sustainable communities. The right to adequate housing is embodied in numerous international human rights texts.

The balance between landlords' and private tenants' rights needs to be more equal.

To meet the above goals Scarborough Private Tenants Rights Group calls for the following changes. To support the Charter please send your name or your organisation's name plus address via email to: scarptrg@yahoo.co.uk or sign the charter online at <http://www.scarptrg.btck.co.uk>.

The Charter

- Raising standards in the private rented sector
 - A national private landlord register should be introduced which requires landlords to be licensed. In the short term (pending a national register) all Local Authorities should provide and manage voluntary landlord accreditation schemes (or facilitate their establishment) and also free tenant accreditation schemes
 - All private tenants and licensees should receive a written (tenancy) agreement/contract¹
 - All residential letting agencies should belong to the Government backed National Approved Letting Scheme or an approved alternative, and in addition, the Property Ombudsman Lettings Scheme
 - All Local Authorities should provide free training for landlords and also periodic refresher training when housing related legislation or policy changes
 - All Local Authorities should have statutory powers to take over the temporary management of any property (not just HMOs or where selective licensing is used) where tenants health, safety and welfare is at serious risk²
 - All Local Authorities should provide a free landlord-tenant mediation service
 - Private tenants should have the right to be consulted by and represented on any property management bodies and local housing or homelessness forums
 - Private tenants' rights should be better publicised, for example by public bodies
 - Local Authorities and other public bodies should promote and support democratic tenant organisations

- Security of tenure
 - Greater security of tenure is required for private tenants
 - In the short-term:
 - The minimum initial secure period of an Assured Shorthold tenancy should be extended from 6 months to 1 year³
 - The notice period for automatic repossession of an Assured Shorthold at the end of a tenancy should be extended from 2 months to 6 months⁴
 - Landlords should be encouraged to provide renewable long fixed term tenancies with break clauses for tenants. Incentives for this should be provided by public bodies, e.g. Local Authorities
 - In the long-term there should be a move towards secure tenancies in the private rented sector e.g. based on Assured or Regulated tenancies or European models, and the phasing out of Assured Shorthold tenancies
 - A law to prevent retaliatory eviction should be introduced to stop tenants being evicted when they attempt to have their legal rights upheld⁵
 - When a property is repossessed from a landlord by a mortgage company

because the landlord has not informed the mortgagee that they are renting their property, tenants should be permitted to continue to reside for a minimum period of 6 months to enable them to find a new home (currently up to 2 months can be granted)⁶

- To help people into private rented homes, to help them keep them and to help help prevent homelessness, all Local Authorities should provide or help facilitate:
 - Rent deposit and guarantee schemes
 - Rent in advance scheme
- Affordable rents, Local Housing Allowance and financial matters
 - Statutory rent control should be re-introduced to prevent excessive rents. Rent control should not be based solely on market rents. Rents should be in reasonable proportion to income
 - Changes to Housing Benefit (Local Housing Allowance) introduced from April 2011 should be rescinded⁷ These changes may cause financial hardship and lead to homelessness
 - Guarantor agreements should only be permitted with the tenant's consent and must not include any unfair terms
 - Letting agency and landlord fees (e.g. for tenancy agreement renewal) should be controlled by law
 - There should be a statutory duty for all landlords to provide tenants with a written inventory for furnished accommodation prior to a tenancy commencing
- Health, safety and welfare
 - There should be a legal requirement for landlord's to have electrical installation condition reports (formerly know as periodic inspection reports) and routine check reports of electrical installations (wiring etc) carried out by registered electricians and also periodic electrical appliance inspection and testing. Tenants should receive copies of reports
 - More robust enforcement of legislation to protect private tenants' health, safety and welfare is required and to tackle rogue landlords⁸. Greater funding for Local Authority Environmental Health Departments is needed to help with this. Also an adequate secure, decent and affordable housing is need to deal with homelessness resulting from eviction following enforcement action
 - Amendments to weaken Local Authorities powers (Empty Dwelling Management Orders) in relation to empty homes should be rescinded⁹
 - Information on any fire risk assessments and other health and safety measures undertaken by landlords should be provided to tenants
- Fuel poverty and energy efficiency
 - Proposed legislation to make it illegal to rent properties which are only F or G energy efficiency ratings should be brought forward and not left until 2018¹⁰
 - New Energy Performance Certificates (EPC) should be provided to tenants (when required) as currently a 10 year old certificate could be provided which does not reflect current energy prices and hence the cost of heating a home and its' energy efficiency rating¹¹
 - If an EPC is not provided landlords should be prevented from exercising their right to automatic possession of an assured shorthold tenancy following the first 6 months of the tenancy⁴

Please see footnotes for further details. Dated 20th July 2011

Scarborough Private tenants Rights Group supports the 06/08/2004 International Union of Tenants Tenants' Charter (http://www.iut.nu/aboutiut.htm#Tenants_Charter) and the Brent Private Tenants' Rights Group 'A Charter for Private Tenants'.

Footnotes

1. Tenancy agreements

- Written tenancy agreements should be provided to tenants with fixed tenancies of over 3 years (long term agreements)
- A tenant with a shorthold tenancy starting on or after 28 February 1997 who does not have a written agreement, has a right to ask for a written statement of any of the the main terms of the tenancy (Housing Act 1996, Part 3, Chapter 2, Section 97)

2. Raising standards in the private rented sector

- The Housing Act 2004 (Part 1, Chapter 1, Section 1) Housing Health and Safety Rating System and the social housing 'Decent Home' standard, might be used to assess whether Local Authority temporary management of rental properties is required.
- Similar powers exist for the management of licensed houses in multiple occupation (and also houses in multiple occupation which do not need to be licensed) or under selective licensing, see The Housing Act 2004, Part 4, Chapter 1, Section 101 (<http://www.legislation.gov.uk/ukpga/2004/34/part/4>)

3. Security of tenure

- Details of the initial secure 6 month period of an Assured Shorthold tenancy are contained in the Housing Act 1996, Part 3, Chapter 2, Section 99

4. Security of tenure

- Details of the automatic right to possession notice period are contained in the Housing Act 1988, Part 1, Chapter 2, Section 21

5. Security of tenure

- Laws on retaliatory eviction exist in some states in the United States, Australia and New Zealand

6. Security of tenure

- Details on the power of courts to postpone mortgagee possession are given in the Mortgage Repossessions (Protection of Tenants etc) Act 2010 (See: <http://www.legislation.gov.uk/ukpga/2010/19/contents>)

7. Affordable rents, Local Housing Allowance (LHA) and financial matters

- Changes to LHA include limits on payments (for property types), 30th percentile LHA rate and shared accommodation rate (to be raised to 35 years of age) (See: http://www.direct.gov.uk/en/NI1/Newsroom/DG_192415)

8. Health, safety and welfare

- Re. Local Authorities taking properties into temporary management; Councils can take advantage of the provisions in the 2004 Housing Act which allows them to recoup their costs by charging them to landlords

9. Health, safety and welfare

- On 7/1/2011 the Government announced plans to amend Empty Dwelling Management Orders to allow empty properties to remain empty for up to 2 years with action only allowed if properties are subject to vandalism or squatted. Owners would be given 3 months notice of an order being made. Currently an Order can be made after a property has been empty for at least 6 months

10. Fuel poverty and energy efficiency

- Government Energy Minister Chris Huhne announced in May 2011 a new law (to be included in the Energy Bill 2010-2011) to ensure landlords make cold homes energy efficient (See: http://www.decc.gov.uk/en/content/cms/legislation/energy_bill/energy_bill.aspx)

11. Fuel poverty and energy efficiency

- Energy Performance Certificates are required under the The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, Part 2,

