Craven District Council
Strategic Housing Department

Tenant & Landlord Information Pack

Information for tenants wishing to rent or for those who are renting in the Private Sector Housing market

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Strategic Housing
Tenant Information Pack

Introduction	Section
The Viewing: Tenant Property Checklist	A
The Tenancy Agreement – The Inventory	B
Tenancy Deposits – What is tenancy deposit protection?	C
Fact Sheets:	
Landlord & Tenant Law – Assured Tenancies	D
Electrical Safety What are the minimum standards?	E
Gas Safety What are the minimum standards?	F
Furniture and Furnishings Does your furniture comply with the regulations?	G
Housing Standards Housing Health & Safety Rating System	H
Enforcement What action can be taken?	I
Houses in Multiple Occupation (HMO) What is multiple occupation?	J
Houses in Multiple Occupation (HMO) Fire Safety	K
Tenancy Relations Service What to do if things go wrong with your tenancy?	L
Frequently Asked Questions	M
Useful Contacts	

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Strategic Housing
Introduction

The purpose of this Tenant Information Pack is to give tenants an overview of our service, our standards and the legal requirements for both landlords and tenants.

The Private Housing Service believes every private tenant deserves a safe, decent place in which to live, backed up by a responsible landlord, and in order to achieve this goal we aim to:-

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

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 authoritive 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 the 'Useful Contacts' section at the end of this pack alternatively contact us at the following address:

Strategic Housing
Craven District Council
Granville Street
Skipton
North Yorkshire
BD23 1PS

Tel: (01756) 706293
Fax: (01756) 706417
E-mail:housing@cravendc.gov.uk
Website: www.cravendc.gov.uk

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

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Strategic Housing
The Viewing

Property Checklist - 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 commit to the property.

Use this checklist to evidence that the landlord is keeping the accommodation to the required legal standards of health and safety.

Property Address:

Landlord/Agent Telephone number:

Other useful contact number (if landlord/agent is on e.g. holiday):

Other emergency numbers e.g. plumber, electrician:

Minimum length of tenancy:

Deposit Amount:

Rent Amount per week/month:

Furnished Properties only -List of furniture and goods to remain e.g.

Chairs

Table

Cooker

Washing Machine

Fridge/Freezer

Other:

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Tenancy Agreement seen and understood:

Inventory checked and signed:

Repairs procedures explained:

Utility provider details:
Gas
Electric
Water

Meter Readings & date reading was taken:
Gas
Electricity
Water

Rubbish Collection day:

Neighbourhood information:
Distance from work/school
Libraries
Public Transport
GP/Dentist
Other

INTERNAL - Basic factors to be considered in more than one room.

Electrics	**Notes**
Ask to see 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 Ask to see copies of the gas safety certificate. A gas boiler should be serviced annually and service records including a gas certificate should be made available.	

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	Notes
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 been given instructions for the boiler? 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 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. If furniture is placed against a wall, do not be afraid to move it.	
Doors Are all the doors in good working order? i.e. 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?	
Are the keys available for all window locks?	

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	Notes
Fire Prevention If the property has smoke alarms or emergency lighting fitted, check that they are working. Most alarms have test buttons.	
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 and carpets Check for uneven or loose floorboards.	
Note the condition of carpets. Make sure faults are recorded on the inventory prior to occupation.	

EXTERNAL - Basic factors to be considered

External Is the main fabric of the property free from disrepair e.g. roof in good repair; render/ brickwork in good order?	
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 gutters and down pipes damaged, leaking or filled with vegetation?	
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?	
Ask 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	Notes
Kitchen 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 been given instructions 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.	

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Stairs/Hallway/Landing Are the stairs in good repair? Are the handrails/banisters secure?	**Notes**
Are there are any gaps where a child could easily fall through e.g. gaps between spindles. Open tread staircases? 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 you live in a House in Multiple Occupation (HMO)?

If you rent a property with more than one person who is unrelated to you and share a common facility e.g. Kitchen/bathroom, then you probably live in a 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 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.

	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 of1 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 Private Housing Service for specific requirements in each case. The following minimum fire safety works must be provided:

	Notes
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.	

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 bedsitting 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 are of letting room min. 12 sq.m	

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The Tenancy Agreement

What is a tenancy agreement?

- 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 you are given a copy of the tenancy agreement.

What is the basic information that should be contained within the Tenancy Agreement?
Make sure this minimum information is contained within your agreement before you sign:

- The landlords name
- The tenants 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
- 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.

Your landlord should provide this inventory. Check and agree it at the time of your viewing. You will probably be paying a deposit and it is the inventory that will decide how much of that deposit is returned to you at the end of the tenancy. If possible, take photographs of the property.

For further advice about your tenancy agreement contact your landlord or agent direct.

Alternatively you can contact the Strategic Housing team direct.

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Tenancy Deposit

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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:

- you get all or part of your deposit back, when you are entitled to it
- any disputes between you and your landlord or agent will be easier to resolve

What types of scheme are there?

There are two main types of tenancy deposit schemes:
- Insurance-based scheme
- Custodial scheme

The Insurance-based scheme

- The tenant pays the deposit to the landlord
- The landlord retains the deposit and pays a premium to the insurer - the key difference to the custodial scheme

The Custodial scheme

- The tenant pays the deposit to the landlord or agent
- The landlord or agent then pays the deposit into the scheme

How do I find out more about keeping my deposit safe?

For further details visit www.direct.gov.uk/tenancydeposit

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Tenancy issues...
Landlord and Tenant Law

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 more detailed guidance refer to the Communities and Local Government leaflet: 'Assured and assured shorthold tenancies - a guide for tenants'

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

• You are a private tenant and your landlord is a private landlord.

• The property is let as a separate accommodation and is your main home.

An Assured Shorthold tenancy has a minimum initial fixed term of six months. At the end of this period the landlord has the right to ask you to leave (seek possession), provided that he or she gives you 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 the 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.

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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 the landlord agrees with you.

If a landlord fails to carry out repairs after being told about them, a tenant can seek remedy through the Council's Private Housing 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. You do not have to leave the property until there is a court order requiring you to leave.

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Health and Safety - Electrical Safety

What are the minimum standards?
The electrical wiring, switches, sockets and all supplied electrical equipment must be safe and in good working order.

From the 1st January 2005 the design, installation, inspection and testing of electrical installations will be 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.

How do I know that the Landlord is complying with the regulations?

Electrical wiring - your Landlord will know how old the property's electrical wiring is and his approved electrician's report 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 the Landlord is recommended to 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)

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Strategic Housing
Health and Safety - Gas Safety

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.

How do I know that the Landlord is complying with the regulations?

• The Regulations require the landlord 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 the Gas Safety Register should be permitted to carry out installation and maintenance of gas appliances.
You should check the contractors details, ask to see his certificate or check with the Gas Safety Register direct.
The competent contractor will provide the landlord with a gas inspection certificate, and it must inform you of any appliances found to be unsafe.

For further information contact the Health and Safety Executive or The Gas Safety Register.

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Health and Safety - Furniture and Furnishings

What are the Regulations about fire resistance?

From 1st January 1997 all upholstered furniture in rental accommodation have 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 my 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

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.

CARELESSNESS CAUSES FIRE

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 form your retailer.

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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 Fire and Furnishing Regulations, contact Trading Standards.

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Health and Safety - Housing Standards The Housing Health and Safety Rating System (HHSRS)

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 my landlord responsible for?
Your landlord is responsible for ensuring your 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 either by removing or minimising the hazard.

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

1. Officers from the Private Housing Service may inspect your 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.

2. As a tenant you must be given the landlords/managing agents contact number, so they can be contacted directly if repairs are needed.

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

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

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Officers within the Council's Private Housing 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 Private Housing Officers will ensure that they are consistent in their approach when deciding on what informal or formal action to take.
The Councils Private Housing Strategy, and Enforcement Policy incorporate the detail and approach that will be taken.

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

A Residential Property Tribunal hears appeals. This is an appeal panel of 3 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.

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Health and Safety – Enforcement & The Housing Health and Safety Rating System (HHSRS)

How will the HHSRS be used in enforcement?

Officers within the Council's, Private Housing 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 private housing 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 Private Housing 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 private housing 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.

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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 1and/or category 2 hazard and it 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.

Where the private housing officer is satisfied that the works have been complied with the improvement notice will be revoked formally in writing.

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. Information about this notice is detailed overleaf.

Hazard Awareness Notice -
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.

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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.

The Private Housing Service has adopted an Enforcement Policy, which ensures that:

• Decisions about enforcement action are fair, proportionate and consistent;

• Officers apply current Government guidance and codes of practice;

• To ensure that everyone understands what principles are applied when enforcement action is considered.

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Strategic Housing

Health and Safety Houses in Multiple Occupation (HMO)

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 (ie 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 HMO's 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 HMO's. Certain owners are now responsible for applying for a licence and will need to meet national minimum amenity standards.

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How do I know if my Landlord needs a HMO licence?
Not all HMO's require a licence.
If you can answer yes to both of the following 2 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?

What would my Landlord have to do to get a HMO licence?
An application form must be applied for from Craven District Councils Strategic Housing department.
A licence will be granted where it can be evidenced that:

• The proposed licence 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, the landlord will have a duty to comply with all relevant legislation. As a tenant, you have the right to contact the Private Housing Service regarding any serious or potentially serious hazard within the property. Equally, if you feel that the HMO in which you live should be licensed, and the landlord refuses to allow you to see a copy, contact the Private Housing Service for further advice.

What are the minimum standards for HMO's?

Similar to other rented property, landlords of HMO's 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.

If you are a tenant living in a House in Multiple Occupation, it is strongly recommended that you contact Craven's Strategic Housing Department. The inspecting officer will advise on the standards that are applicable to the property that you live in.

Inspection of HMO's
Craven Council's Strategic Housing department inspect HMOs at regular intervals to ensure all the standards are being complied with. Officers have strong legal powers to enforce these standards, where necessary.

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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 Private Housing 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 Craven HMO standards:
Appointments for inspections; General advice, contact: Strategic Housing at craven District Council.

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Strategic Housing

Houses in Multiple Occupation – Fire Safety

If a property has been divided into separate units of accommodation it is often referred to as a House in Multiple Occupation (HMO).

In this type of dwelling rates of fire deaths is far higher, up to six times higher for bedsits, than in family or single occupied dwellings. The risk of fire deaths dramatically increases the higher a building is, we generally regard all property of three storeys and over as higher risk.

The Government has issued legislation and detailed guidance for local authorities for the enforcement of fire safety in HMO's.

If you think you may own a HMO that does not meet the current standards we can provide advice on upgrading works.

If we receive notification of a HMO through a tenant complaint or housing survey we are duty bound to ensure the property meets current standards.

This Local Authority will always try to resolve problems informally but do have powers to enforce safety legislation if required. The following information provides a basic guide to fire safety standards and although we generally only routinely inspect high risk dwellings the standards apply to all properties that are multi occupied.

Basics:

- Discourage use of portable gas or liquid heaters
- No unsafe wiring, undertake annual gas checks
- Only provide fire resistance furniture
- Ensure regular maintenance of all fire apparatus and fire alarms
- Keeps escape routes free from obstruction
- Provide sensible internal layout
- Install approved fire fighting equipment
- Fire resistance surface finishes
- Property regularly inspected for disrepair

Minimum Standard for properties up to two storeys

- Hardwired interlinked main powered smoke detectors to common areas and in some cases bedrooms
- Walls, ceilings, and partitions 30 minute fire resisting construction
- Protected escape route from bedrooms
- Fire doors with self closers
- Multi-purpose fire extinguisher on each floor in common parts. Fire blanket in each kitchen.

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Minimum standard for properties three storeys and over

- Automatic fire and smoke detection system including call points to protect kitchens, living and common areas.
- Walls ceiling and partitions minimum 30 minute fire resisting construction
- Protected escape route for bedroom and self contained flats
- Fire doors with self-closers to all bedrooms and escape route
- Emergency lighting
- Multiple escape routes and maximum travel distances may apply
- Multi-purpose fire extinguisher on each floor in common parts. Fire blanket in each kitchen.
- Fire safety notices and signs.

Testing and inspection Guide

General

- Managers should keep available at the property a fire safety inspection log book. The log should contain details of testing frequencies and be signed and dated for each test.
- Carry out tests at time of least risk, notify tenants to avoid false alarm.

Fire extinguishers

- Monthly visual checks for condition and correct positioning
- Annual check by competent engineer, with inspection labelling
- Discharge test at recommended interval for further information see British Standard 5306 current edition.

Fire Alarm and detectors

- Weekly visual check and audible test
- Weekly call point test
- Annual through system test and report by a competent engineer
- Annual test of individual detector heads
- For further information see British Standard 5839 current edition.

Emergency lighting

- Monthly visual check of all emergency luminaries
- Six monthly check of battery system and report
- Three yearly test of system by competent engineer
- For further information see British Standard 5266 current edition.

Notices and signs

- Monthly visual check
- Annual engineer inspection to check conformity with British Standard 5499 current edition.

Fire Drill

- For larger HMO's the manager should consider regular unannounced fire drills.
- You may wish to obtain the advice from a specialist fire safety engineer or from your local county fire officer on drill procedure.

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Strategic Housing

Tenancy Relations Service - What to do if things go wrong with renting

Harassment and Illegal Eviction

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 you peacefully or comfortably occupying your home. Some of the following actions by a landlord or agent could by considered harassment:

- Using threats to get you to leave your accommodation
- Attempting to force you to leave your home or locking you 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 you in your accommodation
- Interfering with personal belongings
- The landlord, his agent or workmen entering your home without permission or giving you notice

If your landlord is doing any of these things or any other action which is giving you no choice other than to leave your home, you should contact the Private Housing Service or the local Citizens Advice Bureau.

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

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What is illegal eviction?
Your 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 2 months. Unless you leave the accommodation voluntarily, the landlord will then apply to the County Court for a possession order.

If your landlord is threatening to evict you, contact the local Citizens Advice Bureau and speak to advisors who will be able to tell you about the rights you have to remain in your home.

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 you have problems paying your rent or other bills, contact the local Citizens Advice Service. This service has a money advice team and officers will arrange an appointment with you and where necessary help you to manage your finances.

Problem neighbours
If you are experiencing problems with your neighbours e.g. noise nuisance, the Council's Environmental Health Service should be able to offer information, advice and where necessary take more formal action on your behalf.

If the problem is associated with anti-social behaviour, you are advised to contact the local Police service.

Problems with repairs or poor housing conditions
If your landlord has not carried out repairs within a reasonable time, contact the Council's Private Housing Service. Officers will liaise with your landlord and where necessary take more formal action using their powers under the Housing Act, to ensure the works are carried out.

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Strategic Housing
Frequently asked questions?

As a tenant what am I responsible for?

- Make sure you follow all anti-social behaviour laws and do not create a nuisance e.g. excess noise.
- 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 your tenancy.

What is the landlord 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 I be asked to leave?

- The landlord can ask you to leave at any time after 6 months, provided any fixed term you agreed has ended. He must give you 2 months notice in writing that he wants you 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 you to leave, but may apply to a Court for a possession order. If you do 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 you.

Can I get help with the rent?

- If your income is low, you may be eligible for help to get housing benefit. You should apply to the council's finance department, to see if you are eligible and how much you can claim.

What happens if I get into rent arrears?

- The landlord can give you notice that he will seek possession through the court. The landlord can apply for a possession order using a faster court procedure, if you owe at least 8 weeks (if you pay weekly) or 2 months (if you pay monthly) rent, at the time the notice is served.

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My landlord has not carried out repairs. Do I have the right to withhold my rent?

Note: There is no absolute right in law to withhold rent, as not paying rent means that you will breaking the contract. Your landlord may use this as a ground to seek possession before the end of your fixed term.

- **Off-setting the cost of the repair against the rent**
  While Section 11 of the Landlord & Tenant Act 1985 places a duty of repair on your landlord, your right to repair and your obligation to pay the rent are completely separate.

  However, in some instances it is possible to pay for the repair yourself and to deduct the cost from the rent.

  It is advisable to follow a set procedure as established by case law:

a) Notify the landlord of the repair (preferably in writing)
b) Allow a reasonable period for the landlord to do the repair
c) Obtain 3 estimates
d) Supply copies of the estimates to the landlord and advise of intention to do repair, if not done within a reasonable time
e) Once the work is complete, ask for reimbursement of invoice
f) Failing that, deduct the cost from rent

If you are thinking of following this procedure then it is recommended that you first seek legal advice.

- **Note:** The easiest route for a tenant to ensure repairs are carried out would be to contact the Private Housing Service who will liaise with your landlord and if necessary take legal action to ensure repairs are done.

  In all instances the first step should be to inform your landlord of the disrepair [preferably in writing] and give him, or her, reasonable time to fix the problem. Only then should you consider taking any further action.

How much notice should my landlord give me 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 you can accept verbal notice of a shorter time period if it is reasonable to do so, bearing in mind it is in your interest to have the repair carried out.

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How much time should I give my landlord to carry out repairs?

- It would not be reasonable to expect your landlord to carryout repairs immediately or even within 48hrs depending on the severity of the hazard created by the disrepair.
- You must allow a reasonable time period, and cooperate with regard to access, to enable estimates to be obtained.
- For example, if your boiler is not working and you are without hot water and/or heating, a period of 1-2 wks should be adequate to enable your Landlord to provide you with a start and completion date, if not complete the repairs.

If your rent is lower than Local Housing Allowance you can still get the same amount of Local Housing Allowance and you can keep the difference. This will not affect any other social security benefits you get.
If your rent is higher than Local Housing Allowance, the council will not pay more Local Housing Allowance. You will have to pay the difference from your other income. You will usually get any Local Housing Allowance paid to you and you will have to pay your rent to your landlord.

How do I claim?
You can claim Local Housing Allowance as soon as you have a rent agreement with your landlord. You are advised to contact the Councils Housing Benefit Service as early as possible to discuss your claim.

If you think the decision is wrong
If you have received a decision about Local Housing Allowance and think it is wrong you can:

• ask the Councils Housing Benefit Service for an explanation of the decision and for the decision to be looked at again.

• appeal to an independent appeal tribunal administered by the Appeals Service.

If you want the council to look at the decision again or if you want to appeal against it, you must do so within one month of the date on the decision letter.

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Strategic Housing
Useful Contact Details

Strategic Housing
Craven District Council
Granville Street
Skipton
North Yorkshire
BD23 1PS

Tel: 01756 706 293
Fax: 01756 706417
Email: housing@cravendc.gov.uk
Web: www.cravendc.gov.uk

Citizens Advice Bureau (Skipton)
St. Andrews Church Hall
Newmarket Street
Skipton
North Yorkshire
BD23 2JE

Tel: 01756 700 210
Web: www.adviceguide.org.uk

Shelter
Helpline Tel: 0808 800 4444 (free)
www.shelter.org.uk/advice

Trading Standards
Units 4-5
Thornfield Business Park
Standard Way
Northallerton
DL6 2XQ
United Kingdom

Advice Line Tel: 0800 330 3313
Email:
trading.standards@northyorks.gov.uk

Health & Safety Executive (HSE)
Gas Safety Tel: 0800 300 363
E-mail: hse.infoline@natbrit.com
Web: www.hse.gov.uk

National Inspecting Council for Electrical Contractors (NICEIC)
NICEIC
Warwick House,
Houghton Hall Park
Houghton Regis
Dunstable
Bedfordshire
LU5 5ZX

Tel: 0870 013 0382
E-mail: enquiries@niiceic.com
Web: www.niceic.org.uk

Gas Safety Register

Tel: 0800 408 5577
E-mail:
register@gassaferegister.co.uk
Web:
www.gassaferegister.co.uk

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