

The legal bits: 2016 updates



Letting a property is a great opportunity, but also involves a great deal of responsibility. Over the past year we have seen lots of changes and more new regulations than ever before, something which could prove a minefield for you, the landlord. Are you aware of the changes?

*Here is a
rundown of
your duties
to date*

Right to Rent

February 1 2016 saw the introduction of a government scheme, 'Right To Rent', which gives all landlords a legal duty to check that every tenant has the right to live in the UK before they let their property to them. As a landlord, you will require copies of documents which prove your tenants nationality, and that they have the right to rent a property. Letting your property without this proof can result in a penalty of up to £3,000 per tenant and imprisonment. You should also be aware that if the tenant is from outside the EEA they will need to provide evidence of their right to stay in the UK. Re-checks will need to be made once that time period has ceased or after 12 months, whichever comes first. Proctors lettings team will handle all this for you. However, re-checks are only carried out for managed properties. Documents will be requested on your behalf at the start of every tenancy and re-checks will be made of your tenant to meet legal obligations.

Section 21 Notice

Since the 1 October 2015 it has become more difficult for landlords to serve a Section 21 Notice to regain possession of their property. As a landlord, you must provide tenants with an EPC and Gas Safety Certificates, and written complaints submitted by tenants about the condition of the property must be responded to within 14 days. For each new tenant (including renewals), they should also be given a guide called How to rent: the checklist for renting in England. You will also need to comply with the regulation relating to smoke and carbon monoxide alarms (see next section). Failure to comply with the above may invalidate a s21 notice and limit your chances of reclaiming your property. Proctors lettings and management team can help you avoid this if you do decide to sell or move into your property.

Smoke and Carbon Monoxide Alarms

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

"Rest easy and let us manage your property for you."

also came into effect on 1 October 2015. What does this mean for you? The law declares that landlords must provide smoke alarms in all rental properties across England on each storey where there is a room used as living accommodation. Bathrooms, lavatories, hallways and landings are all considered rooms used as living accommodation. Alarms should also be checked and in working order the day a new tenancy begins. In addition, a carbon monoxide alarm must also be installed in each room used as a living accommodation that contains a solid fuel-burning appliance.

At Proctors we will check the property conforms at the rental outset and for managed properties on renewal. Our agreement ensures that tenants are undertaking regular checks.

Legionnaires' Disease

This may not be high on your list but Legionnaires' disease should not be ignored. It is a bacterial pneumonia that can be contracted by inhaling water contaminated by Legionella bacteria. Found in most water systems, it becomes a risk when bacteria reach dangerous levels. Risk is highest where water flow is left unused for more than seven

days or water is stagnant and/or is at temperatures between 20 and 45 degrees Celsius. As a landlord, you are responsible for assessing, monitoring and controlling the risk of exposure to Legionella.

Internal Window Blinds Standards

Based on European Standards addressing child safety, the British Standards Institution introduced regulations that apply to internal blinds, corded window coverings and safety devices and are relevant to all businesses, although not the consumer. All new purchased blinds or curtain tracks should have a label on safety and compliance and a safety device to prevent strangulation. Checks should be made with existing properties that have blinds fitted. Should an accident occur, the Trading Standards could take action for failure by a landlord to take the necessary precautions.

Were you aware of the changes that have been made? At Proctors we can take care of this for you and handle the legalities to take the weight off your shoulders. We will also keep you informed should new laws come into play in the future. Below is a breakdown of what each Proctors service package includes so you can pick the one that's right for you.

Further regulations you should be aware of:

| Proctors services at a glance | | |
|----------------------------------|-----------------------------|--------------------------------------|
| Letting ★ | Letting & Rent Collection ▲ | Letting & Management ■ |
| Rental Valuation of Property | ★ ▲ ■ | Arrange EPC |
| Comprehensive Marketing | ★ ▲ ■ | Electrical and Gas Safety Checks |
| Accompanied Viewings | ★ ▲ ■ | Cleaning |
| Finding a Tenant | ★ ▲ ■ | Collection of Rent |
| Obtaining References | ★ ▲ ■ | Keyholding Services |
| Advice on Landlord's Obligations | ★ ▲ ■ | Payment for Outgoings |
| Tenancy Agreement | ★* ▲* ■* | Arrange for Repairs & Maintenance |
| Deposit Protection | ★* ▲* ■* | Property Inspection - Mid-Tenancy |
| Property Inventory | ★* ▲* ■* | Management of Void Periods |
| | | Complaints Handling |
| | | Right to Rent - Initial Checks |
| | | Right to Rent Re-Checks |
| | | Check In and Out |
| | | Advice on Utilities/Local Authority |
| | | Landlords Gas Safety Inspection |
| | | Smoke & Carbon Monoxide Alarm Checks |
| | | Section 21 Notice |
| | | Legal Updates |