



INFORMATION FOR STUDENTS ON RENTING ACCOMODATION WITHIN THE PRIVATE RENTED SECTOR

If you are considering renting from a private landlord that has been accepted for registration by a local University, this does not necessarily mean that the property complies with current standards or that the Landlord adheres to management regulations. Over the last 18 months, there have been many changes with the introduction of the Housing Act, 2004 and other legislation which have had an impact within the private rented sector; some of the main changes are listed below.

- Housing Health and Safety Rating System (HHSRS)

The HHSRS came into effect from April 2006. HHSRS is a new approach to the assessment of risks to health and safety in residential premises. An assessment is made of 29 different Hazards and the scores are then classified into Category 1 or Category 2 Hazard 'bands'. Local Authorities have a statutory **duty** to act where there are Category 1 Hazards and **power** to act on any Category 2 Hazards.

Do you know – one of the most common Category 1 Hazards (HHSRS) falls under the category of 'Cold' where the property has inadequate heating or insulation.

- House in Multiple Occupation (HMO)

Under the changes in the Housing Act 2004, most shared houses, including student accommodation, are now classified as Houses in Multiple Occupation (HMO). A property that has 3 or more, unrelated occupants, who share facilities, will be a HMO. This now places more responsibility on landlords who let this type of property in terms of fire detection, amenity standards etc. Compliance with these changes is enforceable by the Local Authority.

Do you know – a shared property will be a HMO regardless of tenancy type.

- Mandatory Licensing of Larger Houses in Multiple Occupation

Landlords letting the largest HMOs, those of **three or more storeys with five or more people in two or more households** living in them, **must** apply for a mandatory licence from the Council. Please visit www.newcastle-staffs.gov.uk/general.asp?id=SXB3CF-A77FF090&cat=1108 for further information

Do you know - controlling or managing an HMO which ought to be licensed, but is not licensed, without a reasonable excuse for doing so, will be a criminal offence, subject to a maximum fine of £20,000?

- Fire Safety for all Houses in Multiple Occupation (HMO's)

Fire Safety measures are now a legal requirement in **all** HMO's. Alarm systems need to be installed to alert people of the occurrence of a fire, fire doors will probably be needed to prevent the spread of fire and escape routes should provide a safe means to exit a building. View the 'Homestamp' Guide to Fire Safety at www.newcastle-staffs.gov.uk/documents/housing/homestamp%20guide.pdf

Do you know - a HMO that does not have adequate fire detection measures will probably rate as a Category 1 Hazard (HHSRS) and the Local Authority will have a duty to take enforcement action?.

- **The Regulatory Reform (Fire Safety) Order (RRFSO)**

The Regulatory Reform (Fire Safety) Order 2005 came into effect on 1st October 2006 and requires that a 'Fire Risk Assessment' should be carried out on the common parts of HMO's. This legislation will be enforced by the Local Fire Authority. Telephone Staffordshire Fire & Rescue Service on 08451 221155 or visit www.firesafetyguides.communities.gov.uk for further information

- **Tenancy Deposit Protection Schemes**

From 6 April 2007, all deposits taken by landlords (or their agents) for **Assured Shorthold Tenancies** in England and Wales must be protected by a tenancy deposit protection scheme. Tenants must be provided with details of how the deposit is being protected within 14 days of the deposit being taken. For further information visit www.direct.gov.uk/tenancydeposit

Do you know – A tenant who's Landlord has not protected their deposit, can sue the Landlord for 3 times the amount of the deposit. Protect yourself and make sure you have an inventory and photographs of the condition of the property at the start of your tenancy – it's a good idea to use a newspaper in your photographs as evidence of date.

- **Local Housing Allowance**

From the 7th April 2008, Local Housing Allowance will replace Housing Benefit to help eligible tenants with the cost of rent. Under these changes, the allowance will be set at a maximum amount and will be paid directly to the tenant and only paid direct to the Landlord under certain circumstances. Get advice from the Council if this affects you.

- **Energy Performance Certificates**

From October 2008, landlords will have to provide a prospective tenant with a copy of an Energy Performance Certificate. Visit www.communities.gov.uk for further information

An EPC will tell you how energy efficient the property is – the higher the rating, the less you spend on heating costs.

- **Landlord Accreditation Scheme**



Newcastle Borough Council is a partner agency of the North Staffs Landlord Accreditation Scheme which has approximately 800 members who own over 4000 properties. The scheme recognizes good quality accommodation and management practices and offers support & guidance to Landlords including a Landlord Development Manual. Ask your Landlord if they are a member of the scheme or look out for the accreditation logo. For further information

please contact the Council's Environmental Health - Housing team on 01782 742562 or visit the Council's website or go direct to www.landlordaccreditation.co.uk

For further information or advice on property standards please contact Maureen Fraser, Housing Standards Officer, Environmental Health - Housing on 01782 742527. For information or advice on tenancy related issues, please contact Newcastle Housing Advice Service on 01782 635200. Alternatively you can visit the Council's website at www.newcastle-staffs.gov.uk for information on any of the above issues and links to other sources of information.

You can also contact the Independent Advice Unit based on Keele Campus who are able to offer a comprehensive range of advice and support. Telephone 01782 734800

Please note that this advice sheet gives a short description and is not a definitive guide and tenants should acquaint themselves with the relevant legislation

**Newcastle under Lyme Borough Council, Civic Offices, Merrial Street, Newcastle, Staffs. ST5 2AG.
Telephone 01782 717717 (main switchboard)**