

# David Smith



- Partner, Anthony Gold Solicitors
- Policy Director, RLA

# Legal Update

David Smith

# Housing & Planning Act

- ▶ Two additional areas
- ▶ Electrical checks
  - ▶ Being consulted on
  - ▶ Potentially both PAT and EICR
  - ▶ Already happening in Scotland since January 2016
  - ▶ Lesser effect on HMOs
- ▶ CMP
  - ▶ Already offered by agents with professional body memberships
  - ▶ Could have substantial market effects

# Immigration Act

- ▶ Right to Rent checks in force in England only
- ▶ Some tweaks since initial launch
- ▶ New Immigration Act in force from December
- ▶ Imprisonment for some offences
- ▶ Will be obligation and ability to evict promptly if notified
- ▶ Guidance to be issued but works on 28 day timelines
- ▶ Possible to evict without court in some cases

# Wales & Scotland

- ▶ Both devolved areas making big changes through 2018
- ▶ Renting Homes (Wales) Act and Private Homes (Tenancies) (Scotland) Act expected
- ▶ Both completely replace current regimes
- ▶ S21 equivalent to be lost in Scotland
- ▶ Complete registration and licensing of landlords in Wales
- ▶ Substantial pressure for England to introduce some of these ideas

# Agency Fees

- ▶ Strong pressure remains on letting agent fees to tenants
- ▶ Still issues with poor advertising of these
- ▶ Pressure to ban or cap fees
- ▶ Government reluctant but fee cap or greater clarity possible
- ▶ Very likely to be more action in devolved regions

# Repairing Obligations

- ▶ Important case in Supreme Court in *Edwards v Kumarasamy*
- ▶ Overturns Court of Appeal decision
- ▶ Landlords are not liable for disrepair in most cases until they have been notified
- ▶ Even in the common areas of flats (unless the landlord owns multiple such flats)
- ▶ Repairing obligations include the exterior but that does not extend to paths, only the immediate exterior of the property

# Deregulation Act

- ▶ Starting to apply to more tenancies
- ▶ Many landlords are not using the new s21 notice
- ▶ Common to see no EPC, GSC, or How to Rent guide
- ▶ Some courts are confused and think all tenancies are on the new system



# Council Tax

- ▶ Liverpool Council has suggested that council tax should be payable by student landlords at business rates
- ▶ Possible that student exemption will disappear after 2020
- ▶ Selective re-valuation of HMOs continues
- ▶ Not much that can be done about this at the moment
- ▶ Careful if including council tax in the rent without an ability to ask tenant to pay increase

# Brexit

- ▶ Effects of this still uncertain
- ▶ PM speech makes clear that there will be no bonfire of legislation
- ▶ Existing legislation will now pass across then be selectively repealed
- ▶ EPCs will still exist in some form
- ▶ Right to rent may become complex

# Your contact details

David Smith

[david.smith@anthonygold.co.uk](mailto:david.smith@anthonygold.co.uk)

@hmolawyer