

**HOW THE HOUSING & PLANNING
ACT AFFECTS LANDLORDS
&
THE WIDER IMPLICATIONS TO THE
PRS**

Matthew Oliver – who am I?

- Joined the NLA in 2014
- Lobbied on issues such as Tax & Licensing
- Studied British Politics and Legislative Studies at Hull University graduating in 2002
- Then worked as Conservative Party Election Agent for the London Boroughs of Merton, Wandsworth and Sutton.
- Prior to joining NLA worked as Press and Projects Manager for a not for profit campaigns organisation called Unlock Democracy.
- Married with 2 children



The National Landlords Association

- **The UK's leading representative organisation for private residential landlords**
- Working with over 68,000 landlords, including 31,700 paying members
- Providing information, advice and services to support their businesses
- Campaigning to influence policy and to make the landlords' voice heard
- Working to raise standards in the private rented sector and ensure landlords are aware of their rights and responsibilities



Housing & Planning Act

- Housing and Planning Act will introduce:
 - A Rogues database
 - Banning orders
 - Civil penalties
 - Extension of Rent Repayment Orders
 - A revised fit and proper person test
 - Wider availability of tenancy deposit data
 - A new abandonment process
 - New electrical safety standards in PRS
 - Client Money Protection



Rogue Database

Regulations are still TBC about the information that must be included in a person's entry, but may include:

- a landlords address
- contact information,
- details of properties owned, let or managed.
- A person commits an offence if they fail to provide information or provide false information & would be liable to a fine.



Banning Orders

For aggravated crimes, a Local Authority can apply for an order to ban landlords and property agents for a fixed period from engaging in letting or related activity (minimum 12 months). Breach of a banning order is an offence and could result in imprisonment or a fine.



Fit and Proper Persons Test

Additional criteria ensuring applicants are entitled to remain in the United Kingdom, and are not insolvent or bankrupt. Past failure to comply with immigration check duties can be taken into account.



TDP Data

Local housing authorities will be able to request access to data held as a result of deposit protection to aid enforcement activity etc.



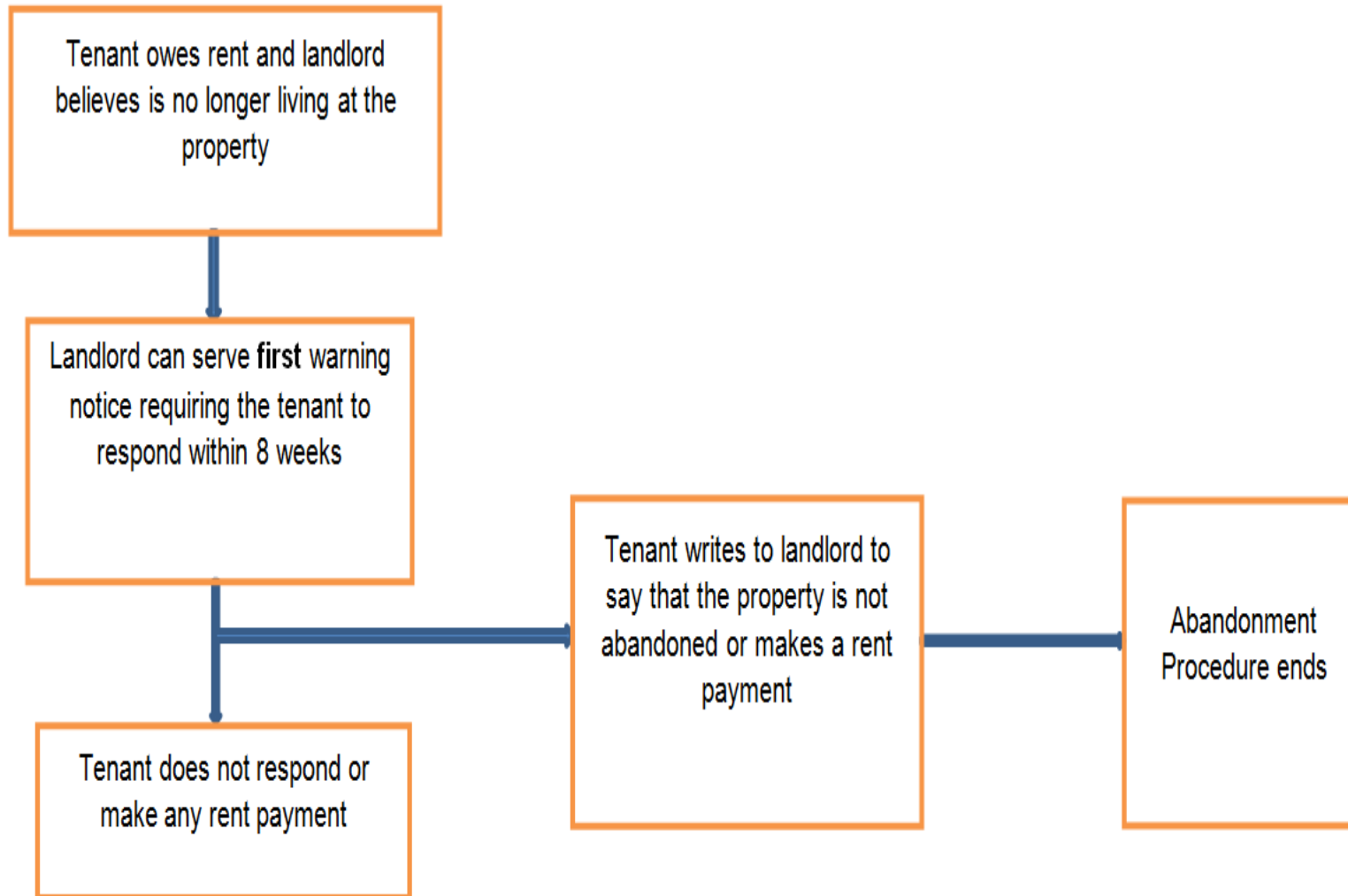
Abandonment

If a landlord believes property is abandoned they may give a tenant notice which brings the AST to an end if certain conditions are met.

- The 'unpaid rent condition'
- Series of warning notices given; &
- No response received before the date specified.



Procedure for recovering an abandoned PRS property under part 3 of the Bill



Tenant now owes eight weeks/two consecutive months' rent and unpaid rent condition has therefore been met



Landlord can serve **second** warning notice but must only do so between two to four weeks after the first warning notice



Tenant / Guarantor writes to landlord to say the property is not abandoned or makes a rent payment



Procedure ends



Tenant / Guarantor does not respond or make any rent payment



Landlord can issue **third** warning notice by affixing it to a conspicuous part of the property and must do so at least five days before the end of the eight week period for responding set out in the first warning notice



Tenant / Guarantor writes to landlord to say the property is not abandoned or makes a rent payment



Abandonment Procedure ends

Tenant does not respond or
make any rent payment



After the 8 week period for responding, as
set out in the first warning notice, has
expired the landlord may serve a notice to
the tenant terminating the tenancy

Client Money Protection

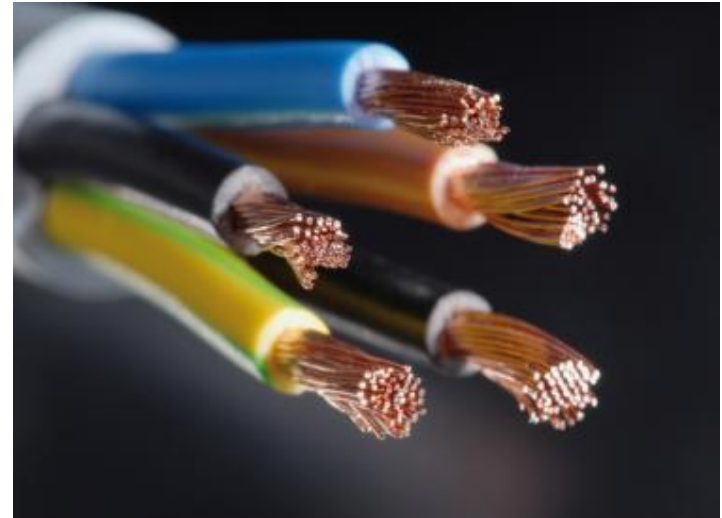
The Act will now give Ministers the power to produce regulations requiring lettings agents to protect money they hold belonging either to the tenant or landlord.

If a letting agent disappeared or went bankrupt then this money would be safe and available to the landlord.



Electrical Safety

The Secretary of State may by regulations impose duties on a private landlord of residential premises in England for the purposes of ensuring that electrical safety standards are met during any period when the premises are occupied under a tenancy.



Wider Implications

- What 'surprises' will the regulations hold? Devil will be in the detail
- Home ownership No. 1 Government priority. Focus on
 - i. standards and enforcement
 - ii. Build to rent & institutional investment
- Growing political consensus on Letting Agency Fees
- Little political / parliamentary support for landlords