

Settled and Safe: A Renter's Rights

A review of private sector rented accommodation in Rushmoor.



**citizens
advice**

Rushmoor

Report prepared
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As the national housing shortage plays an increasing role in policy priorities, Citizens Advice Rushmoor is acutely aware of the impact on local people.

The combination of national and local changes to policies around housing allocations, Housing Benefit and the wider welfare reform agenda, all serve to restrict accommodation options for our clients.

In particular, the increasing reliance upon the private sector represents a significant change, particularly for more vulnerable people.

Internally, our advice staff have regular updates and briefings to ensure we can give the best help to clients in the context of changing legislation.

We work closely with local partners, particularly Rushmoor Borough Council, to ensure we are able to achieve the best outcomes for clients seeking advice.

The focused analysis in this report helps to illustrate the overall position for people reliant upon private sector accommodation – both in accessing housing; and in maintaining tenancies once they have somewhere to live. The report also links with the national Citizens Advice “Settled and Safe” campaign, adding strength to the influence of our national service, where change to legislation is required. Success with the protection against “retaliatory evictions” demonstrates how powerful the collective voice of our service can be.

We look forward to taking the recommendations forward in 2016, working with partners at both a local level, and linking to the national campaign.

The opportunity for the report arose when Aphra volunteered to undertake a 2 week project with us; this has demonstrated how effectively a volunteer with the right skills and insight can be used, even for a short period of time, to produce useful and relevant outcomes.

Additional work on the questionnaires and background information has also been undertaken by other volunteers, to ensure the data used is comprehensive and complete.

Citizens Advice Rushmoor’s ability to utilise capable and skilled volunteers is demonstrated by this valuable piece of work, which I recommend wholeheartedly.

Alex Hughes, Chief Officer

This research is designed to improve local practices regarding private sector rented accommodation in Rushmoor, a sector within which consumers are not as protected as they should be.

The aim of this research is to identify the issues affecting tenants in Rushmoor, with the aim of then recommending actions which could improve the situation locally.

The research used a dual approach; contacting tenants by phone to discuss the issues they had had as well as desk research using data from the Citizens Advice data recording base (Petra) regarding local tenants' experiences, and also using local letting agents' websites to compare rent rates and fees and some 'mystery shopping' to capture agents' responses to tenants looking for accommodation.

The research found that most common problems for tenants are:

- being held responsible for repairs which were in fact the landlord's responsibility
- having difficulty finding affordable accommodation, particularly if in receipt of benefits
- facing challenges in having their full deposits returned to them

The most common problems tenants experience with letting agents are:

- high costs for services, including significant variations between agencies and additional items outside the normal charges
- failure to advertise costs transparently not accepting tenants on benefits.

The most common problems tenants have with private landlords are:

- charging rents significantly in excess of Local Housing Allowance (LHA) rates
- not returning the full deposit
- not carrying out proper check-in and check-out inventories
- obstructing tenants from leaving the tenancy early
- failing to carry out repairs for which they are responsible.

This report found that problems with private renting are more common in Aldershot than in Farnborough, most likely due to the higher proportion of private rented sector accommodation in Aldershot and the lower incomes of many tenants in Aldershot.

Private landlords need to be held accountable to ensure they comply with their legal responsibilities. Tenants should be encouraged to lodge complaints against landlords, and an easy and confidential way of doing this should be made available.

A framework aiming to standardise letting agents' fees would stop tenants paying disproportionately high fees for services, and also paying for unnecessary costs.

Tenants need to be made more aware of the legal framework, rights and responsibilities for private renting. This could be achieved by translating the standard Tenancy Agreement into more accessible language, and advertising Citizens Advice online help on housing.

Information should be made available in other formats for those without access to the internet, such as leaflets.

Settled and Safe:

A Renter's Rights

This national Citizens Advice campaign has five specific aims:

1. No renter should ever have to pay excessive and inexplicable fees for the basic services a letting agent provides.

We want to see an end to extortionate fees levied on renters by letting agents.

2. No renter should be at the mercy of rogue landlords who consistently break the rules, taking deposits unlawfully, harassing tenants or renting substandard homes.

We want to see all local authorities in England set up a register of landlords that tackles the specific problems in their area.

3. No renter should ever be left out of pocket after renting a home which proves to be dangerous or uninhabitable.

We want tenants to be entitled to rent refunds where the property they're living in is dangerous or not fit to live in.

4. No renter should be evicted simply for complaining about bad conditions.

We want to see an end to retaliatory evictions.

5. No renter should ever lose their home at a moment's notice.

We want all tenants to get reasonable notice before having to move out, even when caught up in a landlord's eviction.

Rushmoor Overview

The local picture

Housing issues are a permanent fixture on our front pages. The scale and pace of recent change in our housing market has been striking, with home ownership now possible for fewer people, social housing stock under acute pressure, and the private rented sector growing rapidly in response.

Attention has focused mostly on the shortage of housing and on commitments to build more. Whilst it is certainly true that under-supply is a significant constraint on the market in many parts of the country, the reality is that it is not a problem everywhere, and it is not a simple numbers game.

Aims of the Research

To highlight the barriers faced by people in the local area in accessing, maintaining and leaving accommodation in the private rented sector, in particular regarding:

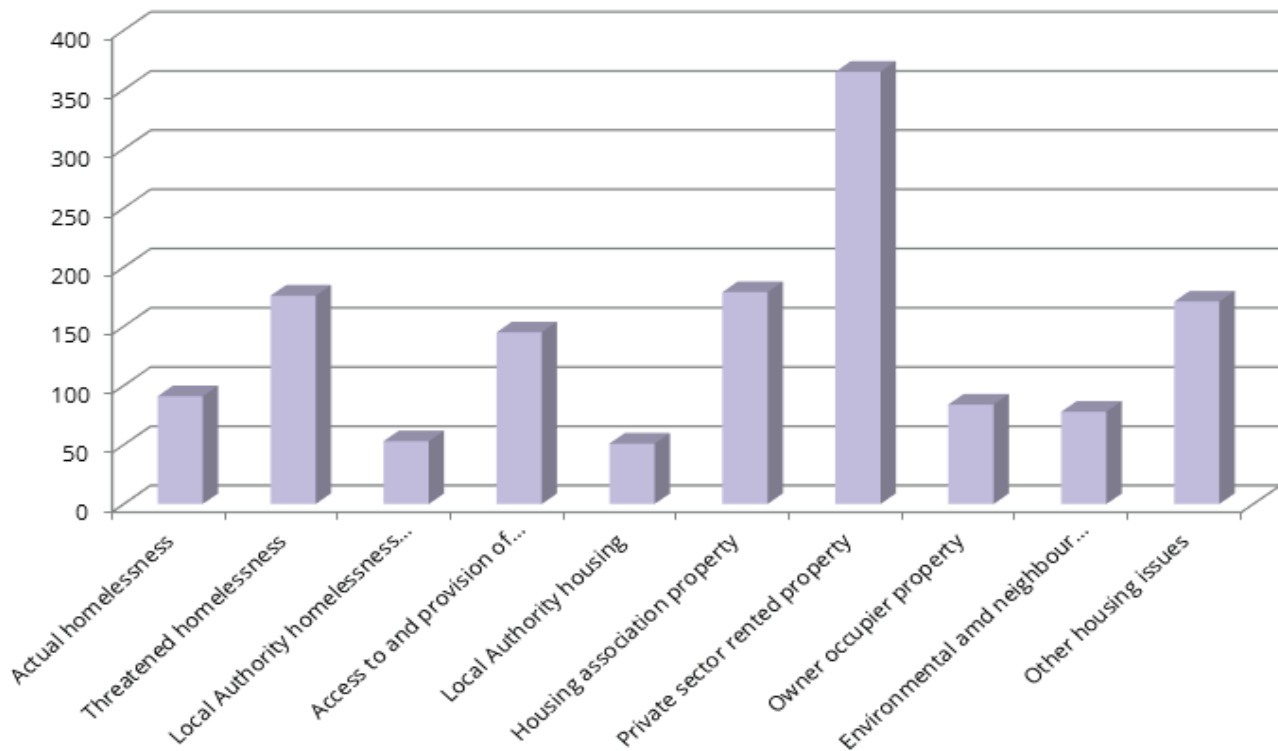
- overall affordability
- transparency of letting agencies and the fees they charge
- limitations for people in receipt of benefits

This will include analysing the rental costs of one bedroom flats and apartments, the average advance rent and deposit required before moving in, and letting agents' fees in the local Blackwater Valley area, in order to analyse the affordability of private sector rented accommodation in the area, by comparing it to the Local Housing Allowance (LHA) benefit available based on Local Reference Rents (LRR).

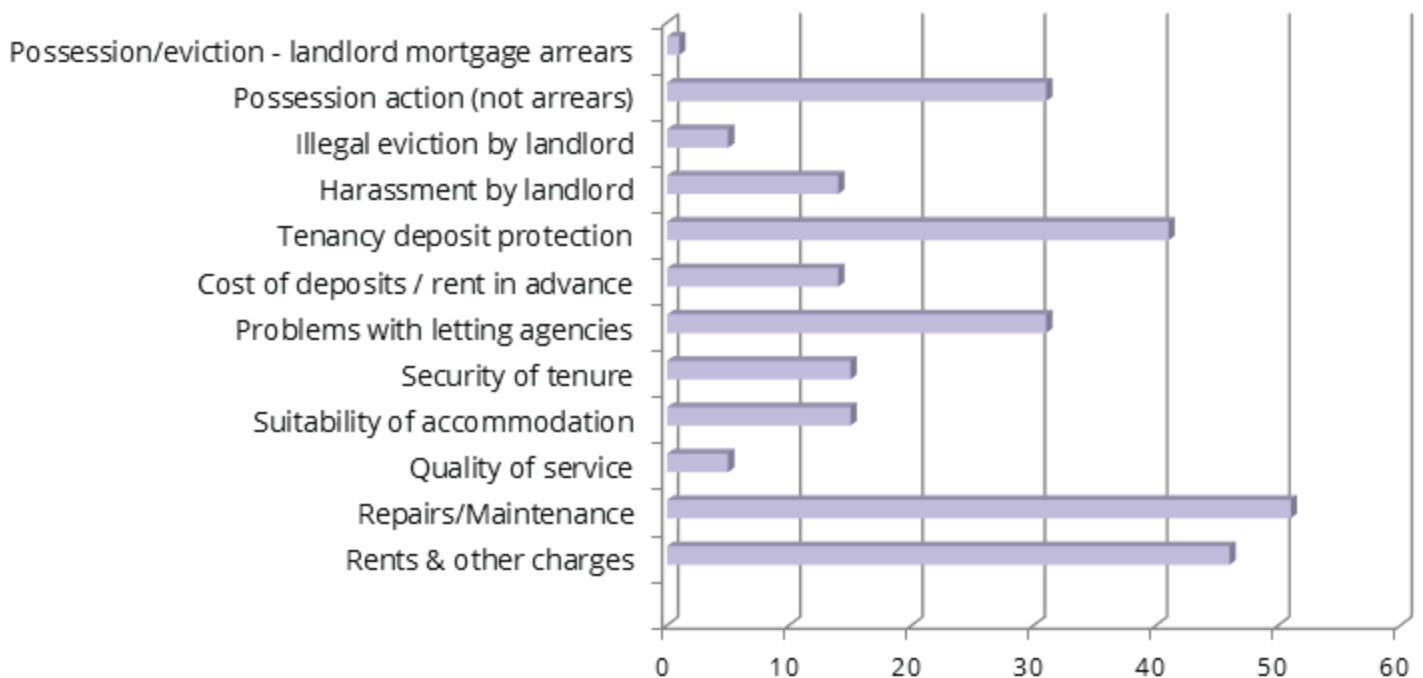
In addition, this report hopes to demonstrate local letting agents' policies with regards to renting private sector properties to people receiving Housing Benefit, via a process of "mystery shopping" whereby agents are called with an enquiry about the availability of properties for people on benefits, as well as online research on letting agents' websites where information about policies towards tenants on benefits was available.

By conducting telephone interviews we hope to gain insights into the experience of clients who have visited Citizens Advice Rushmoor with issues related to private sector rented accommodation. We have contacted four clients about the problems they suffered and explore the overall impact of help received from Citizens Advice regarding their problems by searching on Citizens Advice database for clients with private sector rental issues who came for advice to either Aldershot or Farnborough Citizens Advice where appropriate.

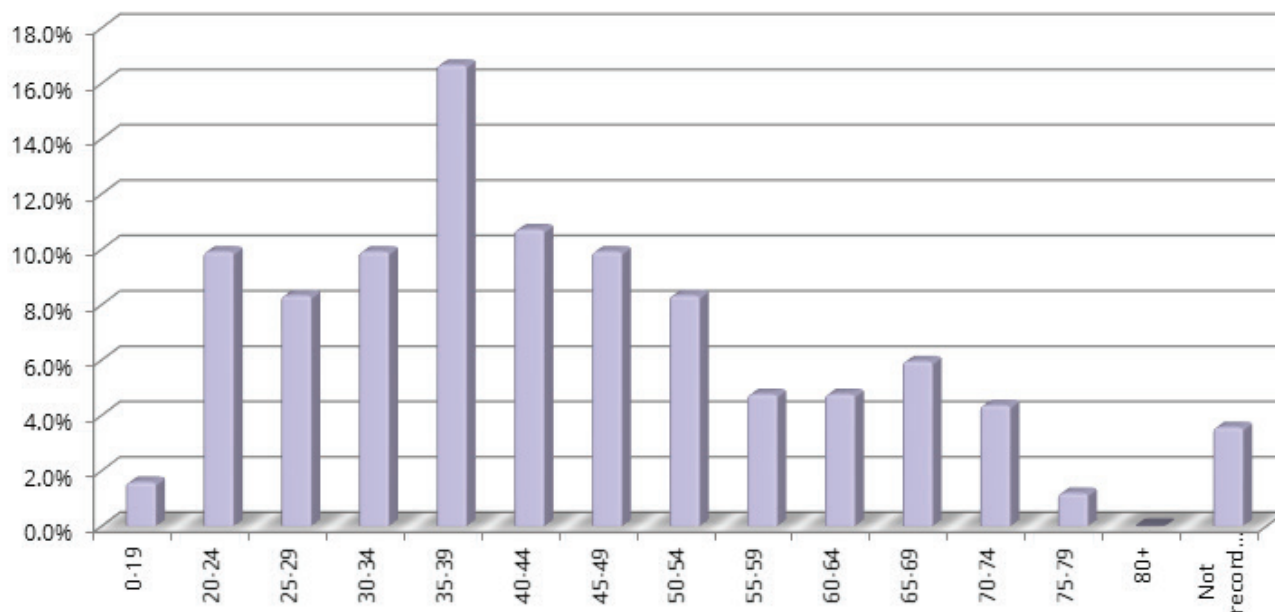
The following table shows the type (X axis) and number of housing enquiries (Y axis) that clients came to Rushmoor Citizens Advice for help with in 2014-2015. The vast majority were in relation to private sector rented properties, followed closely by actual or threatened homelessness, which may also derive from issues related to renting privately, such as high costs or unfair evictions:



In the breakdown of the number enquiries (X axis) with regards to type of enquiry (Y axis) in relation to private sector rented properties, rents and other charges, tenancy deposit protection, and repairs and maintenance feature as the most prominent issues (not including those filed under "other"):



Of the people raising private sector rented accommodation issues at Citizens Advice, it appears that the most common age group to do so is the 35-39 range. However the overall client profile at Citizens Advice must be taken into consideration, as young people are more likely to be renting, but generally less likely to come to Citizens Advice:



Key findings

Local Letting Agents' Fees

Fees did not always include VAT, making some costs seem cheaper than others and more difficult for tenants to calculate.

Some agencies charged fees for services that others did not. One agent charged a £90 fee for returning tenants' deposits at the end of the tenancy as well as a £300 Room Administration Fee, without any information as to what this covered. These administrative charges can add up to a significant amount and have been illegal in Scotland since 2012.

A dramatic variation in fees for the same service amongst different letting agents suggested that the lack of regulation allows agents to charge what they like, such as the wide range of £30 - £360 for making amendments to the tenancy agreement after signing.

In a general trend, larger and/or national agents seemed to have much lower fees than local agencies, presumably because the former are more subject to scrutiny.

Few agencies offered information about their fees in an easy-to-download format such as PDF which would facilitate comparison for tenants.

There were no standard services or standard terminology for these services, which was likely to be confusing for potential tenants. For example, the term "administration fee" variably did and did not include services such as referencing, tenancy agreement and check-in. One agent included a "room administration fee" which was not charged by any other agent and there was no explanation of what this covered. The following table shows the variation in cost for the "administration fees" for sole occupancy amongst the 14 letting agents who published their fees online.

How much do local letting agents' administration fees cost?

Administration fees varied greatly; the average was £379 and this was never a one-off, comprehensive fee. The Administration Fee was invariably the highest element, followed closely by the Advance Rent and the Security Deposit. Often other service fees were included in addition to those.

One agent had a £399 "Room Administration" fee, which did not appear on any other letting agents' fees, which totalled £799 when combined with the normal administrative fee of drawing up the tenancy agreement.

Across the board, there was a consistent calculation for the advance rent required (one month's rent) and the amount required for the security deposit (equivalent of one and a half months' rent as a minimum). Although this finding was reassuring as it seemed to be standardised, for a one-bedroom flat in the Rushmoor area the average monthly rental is around £800, meaning potential clients would need around £2000 available before moving in, without taking into account other letting agents' fees for other services such as guarantor checks.

Another issue which could potentially affect young people and people suffering from financial difficulties was the cost of a guarantor reference. If a tenant has poor credit history, or does not have one as is often the case amongst young people, tenants can provide the details of a rent guarantor to the letting agent, whom would be required to pay any rent upon the tenant being unable to do so. Despite this option being available, many letting agents charge steep rates to reference rent guarantors. From the 15 agents who were surveyed, 9 published their guarantor reference fee online. The average cost was £109.

According to the Citizens Advice blog, credit checks are available on the open market for £35.

One letting agent gave potential tenants the option of paying 6 months' rent in advance in lieu of a guarantor. For a £800pcm one bedroom flat, this would mean a lump sum of £4,800 before move-in, without taking any other letting agent's fees into account.

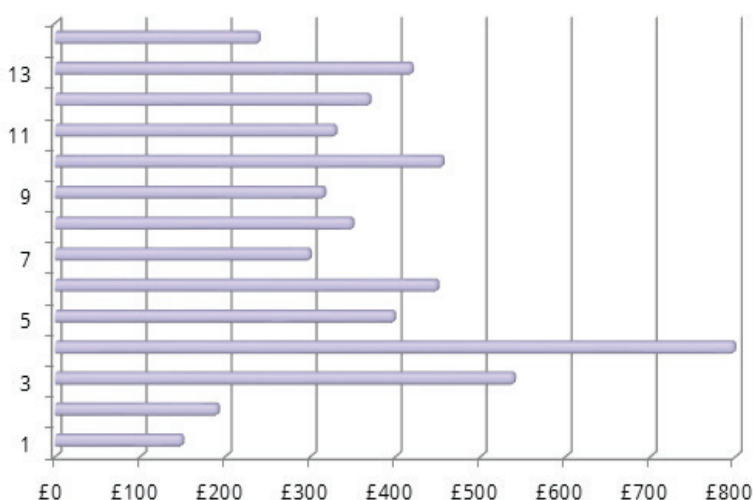
The national Citizens Advice report "A nation of renters" focuses heavily on the problem of letting agent fees. However, clients do not tend to come to Aldershot and Farnborough Citizens Advice about this – suggesting that local tenants just accept and pay these fees despite their steep costs.

When asked, one of the clients interviewed had taken out a bond from a local scheme by Shelter to help tenants pay the advance rent and security deposit.

One letting agent stated that the tenant would lose their holding deposit and admin fee, which totalled £592, if they failed to provide references within 7 days.

One letting agent charged a £6 fee for processing rent payments from a debit card.

The average cost of extending the tenancy agreement at the end of the initially agreed tenancy period was £91.



Did local letting agents' websites comply with Advertising Standards Authority (ASA) legislation about publicising fees clearly?

No mention of fees	2
Fees available upon request	1
Included admin fee "plus fees" (provided link)	2
Rent "plus fees" (provided link)	5
Rent "plus fees" (no link)	1
Rent "plus fees" (hover over text)	1
No fees on initial listing (link inside listing)	2
No fees on initial listing (web page but no link inside listing)	1

The ASA recommends that listings should state "£1500pcm + £150 admin fee per tenant" or similar. However two local letting agents published nothing and one made fees unavailable on the website and only upon request.

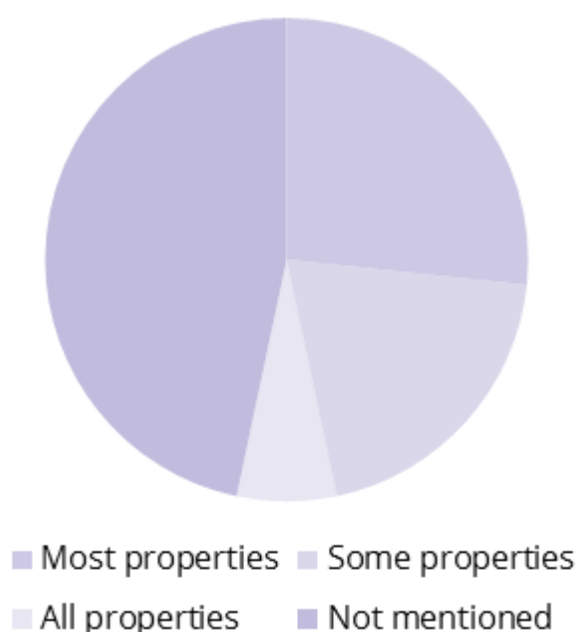
The majority stated the rent per month "plus fees" which was a hyperlink to their web page regarding tenants fees. This is satisfactory although it makes direct comparison difficult. Comparison would be more easily achieved if the ASA model was followed.

The remaining letting agents did not comply particularly well with ASA legislation, which again makes comparison and decisions more difficult than it need be for tenants.

Local letting agents' policies towards tenants in receipt of Housing Benefits

One letting agency, Romans, have a policy whereby they do not accept any potential tenants on benefits, even if they evidently have sufficient funds available to keep up with rent payments and despite the landlord being happy to keep the tenant. The impact of this policy is shown later in this report in an interview with a Citizens Advice client who was asked to leave her home by Romans based on the fact that she was receiving benefits.

The pie chart demonstrates that out of the 15 letting agents' websites, four said "No DSS" on the majority of their listings. Three said "No DSS" on some of their listings, although this may be due to omissions on those listings which did not include it. One said on their Terms & Conditions that they accept no tenants in receipt of Housing Benefit. Seven did not mention the issue.



On local letting agents' websites, do the listings expressly say "No DSS"?

The seven letting agents' websites who did not mention whether or not they accepted tenants in receipt of Housing Benefit were telephoned to clarify their policy. One letting agent explained that no properties which accepted such tenants had been available "in the last three or four months" and that in addition they had a waiting list of tenants hoping for such properties. One said that it depended on the landlord, and that one would need to register in order to find out if there were any available. Another apologised and said there were none available, although it did not sound as if they accepted tenants on Housing Benefits at all.

One of the letting agents included in the Do not mention part of the above pie chart specified that the "Desired Occupancy" was a "Professional". Alternatively, they stated "Professional occupants only please". Some properties on this website even had a minimum and a maximum income for tenants.

The vast majority of the 15 letting agents used the term "DSS", meaning Department of Social Security, which was dissolved in 2001.

Disparities between Local Housing Allowance (LHA) rates and Private Sector Rental Costs

For the Blackwater Valley area, the Local Reference Rent (LRR) for one room with shared facilities has a projected cost of £88.69 per week. This was set in June 2015. However, the Local Housing Allowance Rate for the Rushmoor Local Authority is £79.92 per week (for a Housing Benefit claim beginning July 2015), because it was set in April 2015, based on the LRR stated in January 2015.

This demonstrates that rents have increased significantly since the current LHA was set. It does not cover the cost of rent, leading tenants to rely on benefits or other sources of income to pay the remaining figure of £35.08 per month, or £420.96 per year, without taking into account that landlords tend to charge considerably more rent than the LRR.

Local Housing Allowances (LHA) rates are used to calculate Housing Benefit for tenants renting from private landlords. LHA rates relate to the area in which the tenant makes her/his claim. These areas are called Broad Rental Market Areas (BRMA). A BRMA is where a person could reasonably be expected to live taking into account access to facilities and services.

Disparity between Local Reference Rents (LRR), Local Housing Allowance (LHA) and what landlords actually charge means that many tenants must rely on other sources of income to pay the shortfall which their LHA does not cover.

Take the next table for example, which was compiled in September 2014:

	Social Rent Examples	Target Rent Examples	LHA Rates	Private Rented Rates
1 bed	£329.94pcm	£516.52pcm	£605.97	£625 - £1550
2 bed	£407.20pcm	£686.40pcm	£757.51	£800 - £1550
3 bed	£433.16pcm	£755.73pcm	£903.98	£850 - £1400
4 bed	£526.97pcm	£858.20pcm	£1300.00	£1400 - £2000

In fact, having searched in July 2015 on the websites of 15 local letting agents for their cheapest 1 bedroom properties within 10 miles of Farnborough, the average private rented rates per calendar month was £748. This included an anomalous 1 bedroom property for £395pcm, without this the average was £773.21. This left an average shortfall of £167.24 per month or £2006.88 per annum which is not covered by LHA.

One Citizens Advice case study shows that a tenant successfully negotiated his monthly rent from £760 to £700 with the estate agents he was renting through, by showing them the local LHA rates and discussing the shortfall in his funds. This could be an interesting precedent in aligning private sector rental costs with LHA rates.

So what are the main issues with renting privately in Rushmoor?

- The lack of affordable private sector housing and the lack of availability of social housing
- Private landlords who do not comply with their legal responsibilities, particularly regarding repairs and allowing tenants to end their tenancy before the agreed date, even when in compliance with the Tenancy Agreement
- Issues such as damp and mould
- Letting agents and landlords not accepting tenants in receipt of benefits
- The lack of regulation and transparency of letting agents' fees

Interview: “Their policy didn’t accept people on benefits”

Tracey was working part-time and had been living with her son in a privately rented two-bedroom flat for a number of years. “I was quite happy there... and it was nothing to do with the landlord,” she says, having never missed a rent payment and having enough income to continue paying rent on time. Then she was suddenly told she had to leave because she was receiving benefits, and they had a “No DSS” policy. She ended up having to gain support from the local authority and moving to a “halfway house” for two months, where the change in accommodation had a very negative impact on her young son’s behaviour problems.

She was then found another privately rented flat with no parking and requiring a hefty security deposit and rent in advance - only managed through the help of a bond from the local council. Although she was eventually found a housing association property, there were huge stresses, difficulty and costs incurred from renting so many different places privately in so short a space of time, including having to pay the excess on her car insurance every time she changed the address on her policy.

Interview: “It was absolutely horrendous... She rigged the gas and electricity meter”

Lucy had previously been evicted from her home because her landlord wanted to sell the house, but her subsequent experience in the private rented sector was far worse. She, her partner and her one-year-old child signed a 24 month contract, helped by a bond from the local council to pay the £800 rent in advance and security deposit, which they are having to paying back now.

The place was in a state of disrepair. There was damp, black mould and water running down the walls. A hole in the roof appeared, from a leak that had seriously affected the two bedrooms and the living room. “We didn’t even sleep in the master bedroom, we slept in the living room,” she remembers. It took a year for the landlady to contract non-registered builders who were paid cash-in-hand. One of them fell through the roof and nearly landed on Lucy’s one-year-old daughter who lay in her cot. “It was horrendous,” she states. “It was absolutely horrendous.”

In addition, after a period of paying extortionate fees for gas and electric, Lucy began to suspect that the landlady had rigged the meters. “I wanted to fit key meters,” she remembers, to prevent any rigging. “I owe them £900,” she says, even though she left the house last year. “We were going to take her to court,” she continues, “but in the end we let it go because we got a new house.” Going to court would have also been a costly solution for the couple.

On top of this, she was issued a Section 21 eviction notice. “It was unfair and unjust. The landlady told the council she was selling the flat,” she explains: but it seems to have been a retaliatory eviction because Lucy had lodged complaints against her regarding the unsatisfactory conditions - highlighting the need for the new legal framework on retaliatory evictions to guard against false claims by the landlord.

“There needs to be more adequate housing. Landlords are not managed enough, there should be something put in place where the council check the properties before people move in,” she says. “The flat leaked from the minute we moved in.”

If you are asked to leave your home by your landlord you should consult an experienced adviser, for example, at Citizens Advice

Interview: “Not doing a proper inventory can cause problems for landlords as well as tenants”

Katie had been privately renting a two-bedroom property with her husband and her one-year-old daughter, but when she found out late last year that she was expecting her second child, they found the perfect place with another bedroom. To get it, they had to move out of their old place one month before their previous tenancy agreement had finished. “To compensate, we released the deposit early,” she says, and initially this compromise was agreed upon both by the couple and the landlord, who was to keep the deposit in full.

Then the landlord “refused to let us go,” she remembers. He began to claim that there were damages to carpets and flooring totalling around £500 which the couple needed to pay for on top of the deposit, at around £1,350, plus one month’s rent at £940. The supposed damage had not been referred to in any previous correspondence, and because no proper inventory had been carried out during the check-in process, the landlord could claim the damage. There was no evidence of the damage, nor was there any to the contrary, but as Katie puts it, “their words weren’t worth the paper they were written on.” The couple were adamant that there were not any damages, and that the steep cost quoted by the landlord was totally unfair. While the landlord claimed that he had completed an inventory before the couple moved in, Katie explains that they never signed anything, so “it was our word against theirs.”

After several months of letters going “back and forth” between the solicitor from the landlord’s insurance company and the couple, contact between the two parties fizzled out, and Katie has not heard anything since.

While Katie and her husband may have escaped the repair costs dreamt up by their landlord, the regulation of private sector landlords and the contraction of external inventory companies would ensure that vulnerable tenants do not end up paying costly and unfair charges. She adds that proper inventories can help prevent problems from problematic tenants as well as difficult landlords. If a landlord has no proof that tenants have caused damage, then they cannot be charged to repair it, and vice versa. With a proper inventory, “everyone is aware of the state of the property before they move in.”

You should check that you agree with the inventory, sign and date it. If your landlord does not draw up and agree an inventory, you can draw one up as soon as you move into the accommodation and get it signed and dated by an independent witness who is not a close relative or friend.

Section 11 of the Landlord and Tenant Act 1985 states that the landlord is responsible for the following repairs:

- *the structure and exterior of your home,*
- *basins, sinks, baths, toilets and their pipework,*
- *water and gas pipes, electrical wiring, water tanks, boilers, radiators, gas fires, fitted electric fires or fitted heaters.*

Case Study: Couple come home to find their landlord in the living room

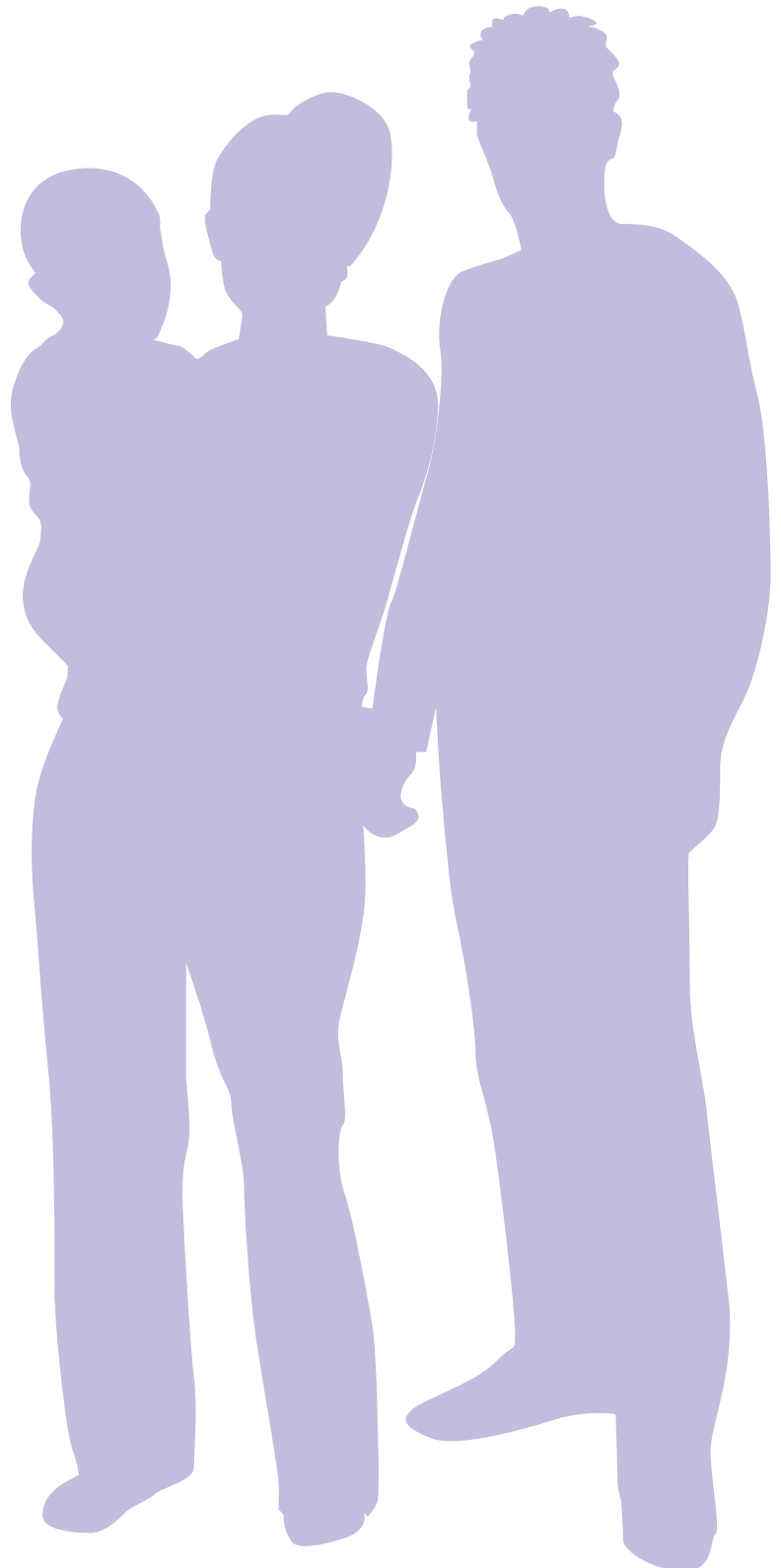
A young couple with limited English skills began renting privately and problems started when a problem in the plumbing caused a leak in a neighbour's bathroom. The landlady falsely informed them that all repairs were the tenants' responsibility and so they had to sort it out themselves. Not wanting any trouble, they fixed the leak themselves.

Later in their tenancy, they did not protest when their landlady informed them that she would be staying one or two nights' a month in order to more easily attend her doctor's appointments. They feared they would lose their home and so did not confront her about her illegal trespassing. She got into the habit of texting them on the morning of her arrival, giving them very little notice. It finally came to a head when they came home to find her unannounced in the living room, where she had unplugged all the electrical items.

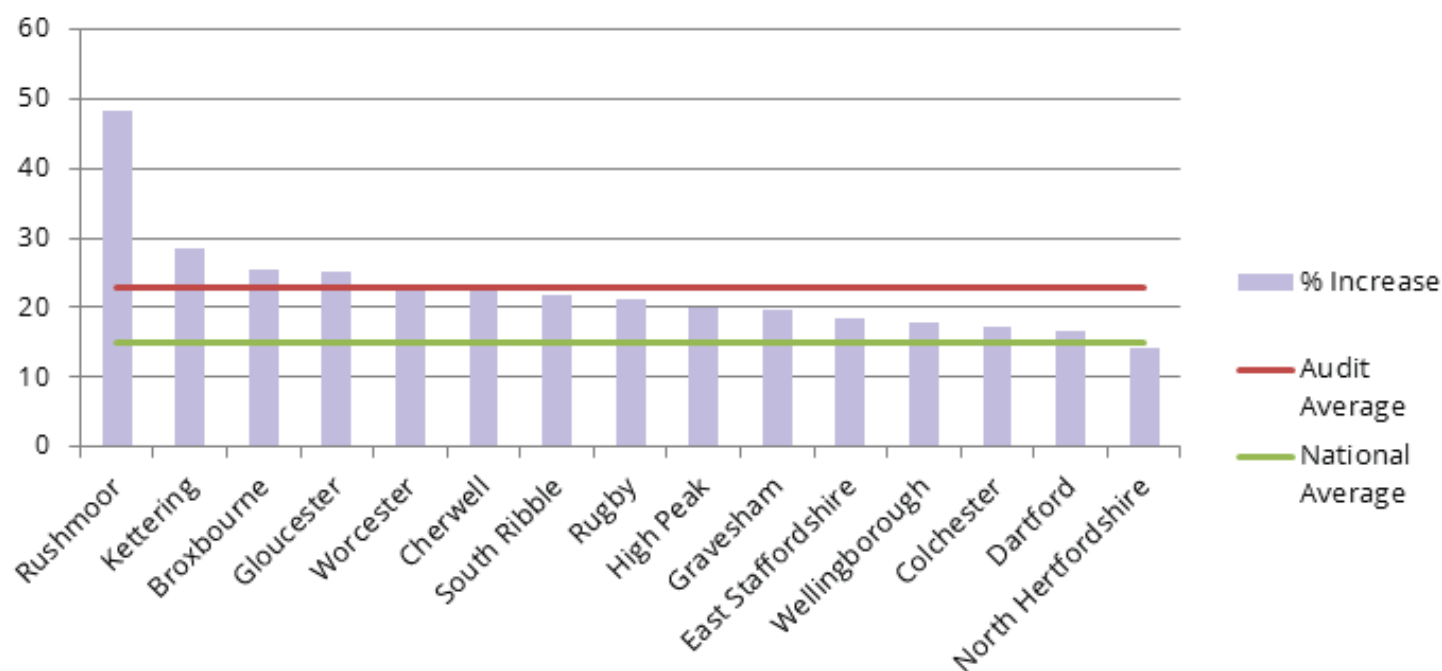
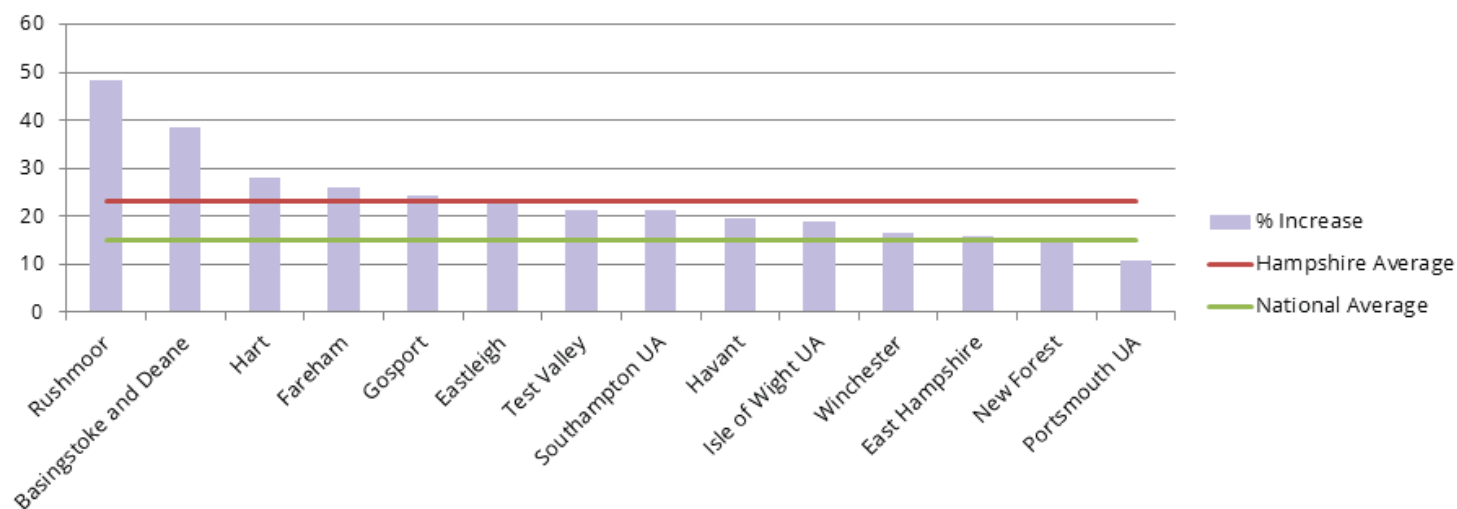
It seems that the landlady took advantage of the young couple's limited English and, perhaps, their limited knowledge of the laws which protect tenants who rent privately. She violated Section 11 of the Landlord and Tenant Act 1985, which states that included in the landlord's obligations is that of carrying out basic repairs. She was also breaking the law by repeatedly entering the accommodation without the tenant's permission; this is a civil offence because:

- S/he is in breach of contract, because s/he has broken the implied term to allow the tenant uninterrupted use of the accommodation. This is known as breach of quiet enjoyment; and
- S/he is trespassing on the tenant's premises.

Citizens Advice successful campaigned to stop retaliatory evictions will make it safer for tenants to complain about landlords breaching their contracts and obligations.



The following data shows the percentage increase of the benefit caseload for Rushmoor against neighbours and those in audit family, between November 2008 and February 2015. In this period, Rushmoor saw the largest proportional increase (48%) in Housing Benefit claimants across the whole of Great Britain:



72% of Discretionary Housing Payments (DHP) designed to cover the shortfall between Housing Benefit and rental costs were given to support people affected by the Bedroom Tax, suggesting this is why such a positive change has been seen since April 2013:

End of Year DHP			
Reason for DHP	No. of awards	Total Spend (approx.)	Average Spend
Overall	607	£143,676	£237
Social Sector Size Criteria	437	£88,507	£203
Not Related to Welfare Reform	122	£36,813	£302
Local Housing Allowance Reform	12	£4,181	£348
Benefit Cap	36	£14,175	£394

Local homelessness figures from March 2015 show that Rushmoor has the highest proportion of homelessness issues in comparison to neighbouring authorities (households accommodated figure from March 2015):

Local Authority	Accepted as homeless and in priority need (per 1000 households)	Households accommodated (per 1000 households)	Total in temporary accommodation
Hart	0.22	0.57	20
Rushmoor	0.48	1.16	40
Guildford	0.20	0.60	30
Surrey Heath	0.38	1.27	40
Waverley	Less than 0.1	0.10	10

The number of Housing Benefit only claimants in Rushmoor increased from 2,177 in June 2014 to 2,207 in June 2015. However, the number of Housing Benefit and Council Tax Support claimants decreased from 4,530 in June 2014 to 4,334 in June 2015.

The Budget is saving money by abolishing Housing Benefit for 18- to 21-year-olds and charging wealthier social housing tenants market rents.

As part of the Welfare Reform, Housing Benefits and Local Housing Allowance levels will be frozen for four years from April 2016. If private sector rents continue to increase people may face increased financial hardship as a result of this for day-to-day living expenses. This could potentially lead to small, incremental increases in requests for additional support as arrears build up over time, which could possibly lead to eviction and homelessness for rent arrears.

From April 2017, the Budget will remove the automatic entitlement to help with housing costs for new claims in Universal Credit from 18- to 21-year-olds who are out of work. There will be some exemptions.

From April 2017, most welfare support provided to families – including Housing Benefit – will be limited to two children; subsequent children born after April 2017 will not be eligible for further support. This could mean financial difficulty for anyone claiming benefit with more than two children after April 2017.

The government will provide £800 million of funding for Discretionary Housing Payments (DHPs) over the next 5 years. This will be needed to mitigate the effects of the earlier Welfare Reform.

Letting Agents and Private Landlords

Promotion and Awareness:

Inform and remind local letting agents of Advertising Standards Authority requirements in regard to transparency about fees, so they are aware that they will be held accountable for not publishing their fees clearly online.

Introduce a local authority suitability check for private sector accommodation before allowing tenants to move in, particularly for those tenants who are vulnerable. Make model Tenancy Agreements and a Tenants' Fees breakdown available with the aim of benchmarking and standardising which services are charged for, the wording of these agreements and fees, and the costs.

Promote understanding of the Local Housing Allowance (LHA) rates to encourage private rental costs alignment and affordability as much as possible.

Best Practice Framework:

Make a list of reliable private landlords and letting agents who accept tenants in receipt of benefits in the local area, so these people save time, effort and disappointment in finding out this information themselves, to be available from the council.

Encourage landlords and letting agents to complete repairs as soon as possible and create a framework for this depending on the severity of the disrepair, as the law states it must be within a "reasonable time" but this period is not defined by the law. Recommend that letting agents and landlords consider applications on an individual basis, based on savings, income, rent insurance and/or guarantors, rather than instigating blanket bans on recipients of government benefits.

Regulatory Framework:

Consider tighter regulation of private landlords to ensure compliance with legal responsibilities. Research from the Local Government Information Unit, has found that one third of councils are considering introducing compulsory licensing to tackle unscrupulous landlords in an attempt to reduce health and safety risks in properties and to better protect tenants.

It should be possible for Rushmoor Borough Council to gain understanding from how this approach has worked in other areas, and see if it can be applied locally. Local licensing has the potential to stop the worst offending landlords in the same way licensing is used to stop unhygienic restaurants or unsafe taxi operators.

Legislative Change:

Scottish law regarding letting agents states that they cannot charge fees aside from rent and a refundable deposit. Passing a similar law in England would ensure that tenants would not be subjected to unreasonably high fees for services which do not appear to be warranted.

Private Sector Tenants

Educate tenants about their rights by translating model Tenancy Agreements into easily accessible language, taking into account that foreign tenants in particular would struggle to understand the dense language used in the law and tenancy agreements.

Educate tenants about the need to complete a check-in and check-out inventory, to protect them from landlords who may try to take advantage of the lack thereof.

Educate tenants about the necessity of keeping all correspondence between them and their landlord and/or letting agents and ideally that this is all written rather than verbal.

Campaign to change attitudes towards private sector tenants on benefits, and provide financial assistance so that these people can prove to landlords and letting agents that they are financially capable of paying their rent.

Distribute leaflets pertaining to these recommendations with Tenancy Agreements within letting agents' premises and other local information hubs.

Encourage tenants to consider letting agents' fees as well as the property itself, its location and its rental costs. Citizens Advice found that nationally only one in four renters considered letting agent fees when choosing their last property.

Services and Support

Establish a complaints and enquiries hotline to the local authority, so landlords and letting agents who act illegally can be held accountable for their actions.

Provide a hotline regarding and educating tenants about Part 1 of the Housing Act 2004 whereby an Environmental Health Officer can be called on to inspect properties to assess its suitability for inhabitation with regards to categories such as dampness and problems that could lead to accidents. If the disrepair is risking a tenant's health and safety it could be classed as a 'statutory nuisance' under the Environmental Protection Act 1990 and this will result in the property being repaired.

For report including full details of case studies, references, survey results and data analysis, visit our website www.rushmoorcab.org.uk - Latest News

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Free, confidential advice.
Whoever you are.

We help people overcome their problems and campaign
on big issues when their voices need to be heard.

We value diversity, champion equality, and challenge
discrimination and harassment.

We're here for everyone.

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