

Eden Landlord Forum Presentation

Alston

Appleby

Kirkby Stephen

Penrith



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Eden Landlord Forum

Welcome



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Itinerary

- Welcome & introducing the team – *(Cllr Judith Derbyshire & Louise Jeffery)*
- EDC Property Links – *(Dave Fincham)*
- 'A Fairer Private Rented Sector' *(Dave Fincham)*
- Minimum Energy Efficiency Standards *(Richard Cain)*
- Sustainable Warmth Cumbria *(Sam Taylor)*
- Empty Homes Grant *(Claire Watters)*
- Round-up
- 7pm close.



Eden Landlords' Forum: Our Aims

- To promote our Property Links scheme to local landlords
- To give landlords and letting agents up to date and relevant information on the direction of travel of government housing policy and grants that are available.
- Overall, to increase the availability and standard of properties in the private rented sector in the Eden District.
- To enable further development of the Forum.



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Property Links



Our vision is to match people facing homelessness with private landlords looking for long-term tenants.

Why?

- Long-term tenancies for people in housing need
- Lack of affordable private rented accommodation for local people
- A partnership across the district with local landlords to prevent people falling 'through the net'



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Property Links



What's in it for you?

- It's free - no finder's fee or commission
- Retain full control over your property
- Income assessments completed on potential tenants
- A free Housing Health and Safety Rating (HHSRS) Assessment
- Full photographic inventory at the start and end of the tenancy
- Assistance for tenants to claim housing benefit, or universal credit.
- Support with paperwork



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Property Links



- No obligation to take the tenant
- Mid-term tenancy inspection
- End of tenancy property inspection
- A dedicated officer for your property
- Support, advice and signposting to reduce disagreements between landlords and tenants
- Exclusive insurance - which we pay for on your behalf - covering you for loss of rent for the first 12 months of the tenancy, underwritten by Royal Sun Alliance.

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Property Links



Dave Fincham

david.fincham@eden.gov.uk

01768 212100 or 07769242854

Please contact me if you want to meet and discuss Property Links or you need further information.

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Questions Asked 1

Do you insist on affordable rents?

No, the landlord sets the rent. The landlord retains control of the property at all times.

Housing Benefit is capped at the Local Housing Allowance rates, anyone eligible for Housing Benefit would have to top up the difference from their income. Many people in receipt of benefits are in work and are able to do this. Property Links would refer clients who have been assessed as being able to afford the rent charged for the property they are matched with.

Eden District Council is committed to supporting affordable housing for example we have a Discounted Sales scheme – see [Discounted Sales Housing Scheme](#)





Questions Asked 2

What are the Local Housing Allowance rates?

Room Rates for Local Housing Allowance, North Cumbria. 2022-2023:

Number of Bedrooms	Weekly Amount	Calendar Monthly
1 bedroom shared facilities	£68.00	£295.48
1 bedroom self-contained	£80.55	£350.01
2 bedrooms	£97.81	£425.01
3 bedrooms	£120.82	£524.99
4 bedrooms	£155.34	£674.99



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Questions Asked 2



Would you draft a tenancy agreement?

Property Links doesn't provide bespoke legal advice. However, model documents are available and support is provided to ensure a valid tenancy agreement is in place.



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'A Fairer Private Rented Sector'

Department for Levelling Up, Housing and
Communities, June 2022



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‘A Fairer Private Rented Sector’

Why have DLUHC set this out? What is the case for change?

- More than 11 million people are currently housed within the private rented sector
- The make-up of the sector has changed: tenants and landlords are more diverse, so the landscape of the sector has changed nationwide.
- Landlords need the information and support to navigate the legal landscape – the paper states that ‘the existing system does not work for responsible landlords’
- DLUHC states that nationwide, ‘21% of homes in the private rented sector are non-decent’



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'A Fairer Private Rented Sector'

To do this – it proposes a '12 point plan of action'

'The government is committed to robust and comprehensive changes that meet the needs of diverse tenants and landlords who live and work within it'



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1. 'We will deliver on our levelling up housing mission to halve the number of non-decent rented homes by 2030 and require privately rented homes to meet the Decent Homes Standard for the first time.'

- Decent Homes Standards – some aspects already in place.
- Housing Health & Safety Rating System
- Energy Efficiency
- Local Authority action
- Does mention a 'phased introduction of reforms'



2. 'We will accelerate quality improvements in the areas that need it most

- Pilot schemes underway with a selection of local councils, working more in collaboration with them to understand the challenges they face.
- This will create best practice information to share across all local authorities.

3. 'We will deliver our manifesto commitment to abolish Section 21 'no fault' evictions and deliver a simpler, more secure tenancy structure'

- Moving to a system of periodic tenancies
- Once in place after the second implementation date, Section 21 will no longer be able to be applied.

4. Reform grounds for possession

Valid grounds:

- When a landlord wishes to sell their property to allow them and/or close family members to move in. (not in the first 6 months of tenancy)
- Mandatory grounds for possession where a tenant has been in at least 2 months arrears 3 times within the previous 3 years

5: We will only allow rent increases once a year...

- Landlords would need to give at least 2 months' notice of any change in rent
- An end to rent review clauses

6: 'We will strengthen tenants' ability to hold their landlord to account and introduce a new single Ombudsman that all private landlords must join'

7: 'A more efficient court process'

'Working in partnership with the Ministry of Justice (MOJ) and HM Courts and Tribunals Service (HMCTS), we will introduce a package of wide-ranging court reforms that will target the areas that particularly frustrate and hold up possession proceedings. These are county court bailiff capacity, paper-based processes, a lack of adequate advice about court and tribunal processes, and a lack of prioritisation of cases.'



8: The introduction of a new Property Portal

- A single front door for landlords to understand their responsibilities
- Tenants will be able to access information about their landlord's compliance with regulations
- Local councils will have access to better data to 'crack down' on criminal landlords

9: 'We will strengthen local councils' enforcement powers...'

'There is a small minority of rogue landlords who taint all landlords. Having a way of regulating landlords would provide tenants with confidence. I think this will also help local councils with their enforcement procedures, keeping standards in the PRS high'

10: 'No blanket bans'

- Would be illegal to have blanket bans on renting to families with children or those in receipt of benefits
- Intends to improve support to landlords who rent their property on benefits
- Also intends to reduce barriers for those on the lowest incomes

11 'We will give tenants the right to request pets in their property, which the landlord must consider and cannot unreasonably refuse'

- In doing this, the government would amend the Tenant Fees Act 2019 so that landlords can request pet insurance that would cover associated damages to the property.

12: Passporting Deposits

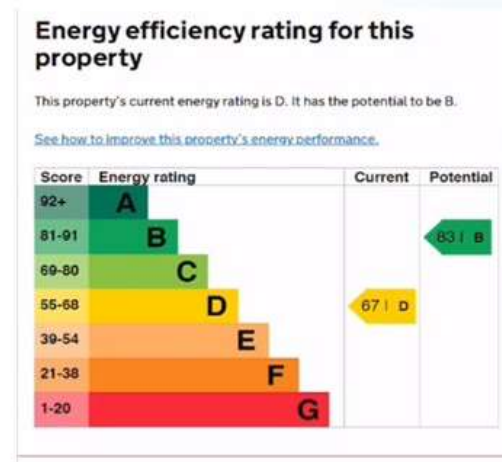
- Making it easier for tenants who have had to move around to raise a second deposit

Questions?

No questions were posed at this stage of the presentation.

Minimum Energy Efficiency Standards (MEES)

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Agenda

- ▶ Whistle stop tour!
- ▶ Energy Performance Certificates' (EPC's)
- ▶ Minimum Energy Efficiency Standards (MEES)
- ▶ Exemptions
- ▶ Enforcement and Penalties

What is an EPC

- ▶ Introduced in 2008 an Energy Performance Certificate (EPC) is a measure of the energy efficiency of a building.
- ▶ An EPC must be carried out by an accredited domestic energy assessor (DEA)
- ▶ An EPC lasts 10 years, although if you have undertaken improvements to your property you should get the property re assessed to reflect the improvements made.
- ▶ Fees Vary between (£60-£140 per property)

EPC ratings are set out on a similar visual scale as that for electrical appliances

– rated homes are the most energy efficient,

And G rated homes are the least efficient in terms of energy use.

The A –F traffic provides at an a glance information to tenants / potential tenants. It gives an indication on how costly it will be to heat the home and therefore tenant may make a better informed decision on choosing a property to let.

Energy efficiency rating for this property

This property's current energy rating is D. It has the potential to be B.

[See how to improve this property's energy performance.](#)

Score	Energy rating	Current	Potential
92+	A		
81-91	B		83 B
69-80	C		
55-68	D	67 D	
39-54	E		
21-38	F		
1-20	G		

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What is the EPC telling me ?

- ▶ The A – G traffic light colour scheme is designed to provide information to tenants and potential tenants an indication on how costly it will be to heat the home. This information therefore enables tenants to make informed decisions on choosing a property to let.
- ▶ The EPC also gives estimated cost of work

When do I need an EPC

- ▶ Since 2008 any self contained property rented to tenants must have a valid EPC at the time the new tenancy is granted.
 - ▶ Including renewals
 - ▶ And contractual periodic tenancies
 - ▶ You need an EPC when you market a vacant property, as well as when you sell.
 - ▶ A copy of the EPC must be made available to each new tenant and any potential tenant who asks for it.

What are MEES

Minimum Energy Efficiency Standards MEES

- ▶ The Energy Efficiency Standards (Private Rented Property) (England and Wales) Regulations 2015 introduced minimum standards for energy efficiency in rented homes.
- ▶ Since 1st April 2020, Landlords can no longer let or continue to let properties covered by the MEES Regulations if they have an EPC rating below E, unless they have a valid exemption in place.

When do I need to comply with MEEES?

- ▶ Two Tests
 1. Is your property on one of the following types of tenancy?
 - ▶ an assured tenancy
 - ▶ a regulated tenancy
 - ▶ A domestic tenancy
 2. Is your property legally required to have an EPC
 - ▶ If the property you let has been marketed for sale or let within the past 10 years then it will probably be legally required to have an EPC.

What about renewals?

- ▶ The minimum standards apply to all tenancies, whether starting new, renewing, or those continuing with no change to their tenancy agreement.

Breaches

- ▶ You are likely to be in breach if you;
 - ▶ Rent out a home that is without a current EPC
 - ▶ Rent out a home with an EPC rating of band 'F' or 'G' (Without a valid exemption).

So what should I do?

- ▶ Need an EPC and don't have one?
 - ▶ Arrange for an EPC to be undertaken immediately !!
- ▶ F or G rated EPC
 - ▶ Check the recommended improvements on EPC
 - ▶ Improve the property to minimum E
 - ▶ Apply for an exemption if not possible

Exemptions

“But what if I can’t improve my property to at least E”

- ▶ **High cost exemption** – *If the cost of the works exceed £3500 you will need to provide three quotes to demonstrate this.*

- ▶ **All improvements made exemption-** *Register this exemption if the property is still below EPC E after improvements have been made up to the cost cap (£3,500 incl VAT), or there are none that can be made. This exemption lasts 5 years. After that it will expire and you must try again to improve the property’s EPC rating to E. If it is still not possible, you may register a further exemption.*

- ▶ **Wall insulation exemption -** *if the only relevant improvements for your property are:*
 - ▶ •cavity wall insulation
 - ▶ •external wall insulation
 - ▶ •or internal wall insulation

Exemptions. Cont

- ▶ **Consent Exemption** - Register this exemption if the relevant improvements for your property need consent from another party, such as a tenant, superior landlord, mortgagee, freeholder or planning department, and despite your best efforts that consent cannot be obtained, or is given subject to conditions you could not reasonably comply with.
- ▶ **Devaluation Exemption** - if you have evidence showing that making energy efficiency improvements to your property would devalue it by more than 5%. In order to register this exemption you will need a report from an independent surveyor.
- ▶ **Temporary exemption due to recently becoming a landlord**- you will not be expected to take immediate action to improve your property to EPC E. You may claim a 6 months exemption from the date you became a landlord.
- ▶ This exemption lasts 6 months from the date you became the landlord. After that it will expire and you must have either:
 - ▶ •improved the property to EPC E
 - ▶ •or registered another valid exemption, if one applies

Registering an Exemption

An exemption must be accurately registered by the Landlord on the Private Rented Sector Exemptions Register (an online data base)

- ▶ Exemption last for a maximum of 5 years
- ▶ Registering any false or misleading information on the PRS Exemption Register is also an offence
- ▶ The Council will review all exemptions

Registering an Exemption

BETA This is a new service - your [feedback](#) will help us to improve it.

Register an exemption

This service is for landlords to register a property as exempt from the [private rented property minimum standards](#) ([opens in a new window](#))

Before you start, you need to be sure which of the reasons for exemption apply and have the required proof of exemption ready to upload.

To register an exemption you need an account. Your account helps you keep track of exemptions that you have registered and you can end an exemption if it no longer applies

Have you used this service before?

- Yes, I already have an account
- No, I need to register

Next

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Enforcement

The Council can serve a compliance Notice on the Landlord where a breach is suspected.

- ▶ We might ask for relevant information to be supplied relating to the EPC, the tenancy agreement, details of any energy efficiency advice given or any relevant improvements made to the property. etc.
- ▶ Where we can confirm that a property is (or has been) let in breach of the Regulations we can serve a financial penalty notice.

How can we check?

 **GOV.UK**

Find an energy certificate

[< Back](#)

What is the postcode?

Enter the postcode
For example LS1 4AP

Find

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How can we check?



The screenshot shows the GOV.UK website interface for the PRS exemptions register. At the top, there is a black header with the GOV.UK logo and the title 'PRS exemptions register'. Below the header, a pink 'BETA' badge indicates that the service is new and encourages user feedback. The main heading is 'Search for exemptions', followed by a paragraph explaining that users can search for properties exempt from the minimum energy efficiency standard. Below this, there is a text input field for the 'Postcode of the rental property'. A green button labeled 'Find exemptions' is positioned at the bottom of the search section. A link for 'Other ways to search for exemptions' is also visible.

GOV.UK PRS exemptions register

BETA This is a new service - your [feedback](#) will help us to improve it.

Search for exemptions

You can search the PRS exemptions register to find properties that are registered as exempt from the [minimum standard of energy efficiency \(opens in a new window\)](#).

The register shows when the property was registered as exempt and the reason.
The landlord's name is shown if the landlord is an organisation.

Postcode of the rental property

▶ [Other ways to search for exemptions](#)

Find exemptions

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Penalties

The Council can decide on the level of the penalty, up to maximum limits set by the Regulations.

- ▶ The maximum fine per property can reach a total of £5,000 !!!



Warning

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Further information

Comprehensive information provided by .Gov is available online

- ▶ **Domestic private rented property: minimum energy efficiency standard - landlord guidance** <https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance>
- ▶ **Detailed Exemptions Guidance- Government**
<https://www.gov.uk/government/publications/private-rented-sector-minimum-energy-efficiency-standard-exemptions/guidance-on-prs-exemptions-and-exemptions-register-evidence-requirements>



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MEES - Questions


When is the minimum standard going to be raised to C?

A date has not been confirmed by Central Government, therefore Eden District Council cannot confirm this.

The best source of information, which is updated with any new regulations and legislation, is at the government website: [Domestic private rented property: minimum energy efficiency standard - landlord guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance)



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Smoke and Carbon Monoxide Alarm (England) Regulations 2022



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What is required?

- ▶ Requires a smoke alarm on each floor of the premises on which there is a room used wholly or partly for living accommodation –
- ▶ So can include kitchens and bathrooms/WC rooms if on their own floor
- ▶ A Carbon Monoxide (CO) alarm in any and all rooms containing a combustion appliance other than a gas cooker.
- ▶ Requires all alarms to be checked on first day of tenancy and imposes duty to repair or replace “in reasonable time” if reported faulty.

Enforcement

Eden DC will serve a remedial notice if reasonable grounds to believe landlord is in breach

- ▶ Gives 28 days to rectify
- ▶ Gives 28 days to make representations
- ▶ Must be served within 21 days of LA deciding reasonable grounds to do so.

Eden DC **must** complete remedial action if landlord not compliant, subject to

- ▶ consent from tenant



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Penalty Charge

- ▶ Non compliance with the remedial notice will result in
- ▶ a Maximum of £5000 civil penalty
- ▶ Requires payment or appeal in not less than 28 days
- ▶ Recoverable by court order

Further Information

- ▶ **Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022: guidance for landlords and tenants**
- ▶ **Available at:** <https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

Sustainable Warmth Cumbria



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Sam Taylor, Technical Energy Officer
www.eden.gov.uk

Sustainable Warmth Cumbria Grants Local Authority Delivery Scheme (LAD) and Home Upgrade Grant Scheme (HUG)

- The Cumbrian district councils have secured funding to install energy saving measures into around 1,300 homes across Cumbria
- Privately rented households can be eligible for up to £5,000 if they meet the relevant criteria (grant funding based on suitable measures that can be done for the property)
- Over 200 off Gas grid properties and 160 on gas grid properties
- All installations must be complete before the scheme closes at the end of March 2023
- Eden District Council have already facilitated the retrofit of over 400 properties via previous schemes



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Sustainable Warmth Cumbria Grants

Energy efficiency measures include

- External Wall Insulation, Internal Wall Insulation, Underfloor Insulation, Cavity Wall Insulation, Roof and Loft Insulation, Air Source Heat Pump, Solar PV Smart heating controls, windows and doors.
- Fabric first approach
- All works are done by PAS/MCS certified installers that are registered with TrustMark
- Energy Performance Certificates and PAS retrofit assessments are included within the grant funding (deposit of £500 for both these assessments which will be taken off the final contribution)



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Sustainable Warmth Cumbria Grants Eligibility

- Resident must live in Cumbria
- Have a combined household income of less than £30,000 gross per year OR be in receipt of a means-tested benefit
- Have an EPC rating of D, E, F or G
- If you have combined household savings of £50,000 or more, your application will be assessed on a case-by-case basis. This is to ensure that all grants are awarded in the spirit of the local authority scheme rules
- Landlords must be willing to contribute 1/3 of total costs of the works (if full £5,000 of grant is utilised then Landlord contribution would be £2,500)



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Sustainable Warmth Cumbria Grants MEES

Example One:

F or G rated property. A medium-term plan recommends measures of £13,500. This would be funded by:

Landlord pays £3,500 to meet MEES obligations.

Maximum Sustainable Warmth Grant £5,000.

Landlord contribution £5,000.

Deposits for retrofit assessment and medium-term plan refunded meaning final contribution is £4,500.



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Sustainable Warmth Cumbria Grants MEES

Example Two:

F or G rated property. A medium-term plan recommends measure of £6,500. This would be funded by:

Landlord pays £3,500 to meet MEES obligations.

Sustainable warmth grant of two-thirds of the remaining cost £2,000.

Landlords one-third contribution £1,000.

Deposits for retrofit assessment and medium-term plan refunded meaning final contribution is £500.



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Sustainable Warmth Cumbria Grants MEES

Example Three:

D or E rated property. A medium-term plan recommends measure of £7,500.

Property already meets MEES or has an exemption

This would be funded by:

Maximum £5,000 Sustainable Warmth Grant.

Landlords one-third contribution £2,500.

Deposits for retrofit assessment and medium-term plan refunded meaning final contribution would be £2,000.



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Sustainable Warmth Cumbria Grants

Process for private tenants and Landlords

- Residents must gain Landlord's permission first and foremost
- Residents are responsible for applying via a physical or digital copy of the application form
- They are also responsible for sending proof of income
- Both should be sent to either Better.Homes@Eden.gov.uk or Homelife@Carlisle.gov.uk
- Homelife will be in touch to formally gain permissions
- Delivery partners will then take the deposit ahead of retrofit assessment and subsequent works



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Sustainable Warmth Cumbria Grants

Questions

- If anyone has any questions then feel free to ask now or contact me or my team directly:
- Better.Homes@Eden.gov.uk
- Sam.Taylor@Eden.gov.uk
- 01768 212 159



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Sustainable Warmth Cumbria Grants

Questions

- **Are contractors local?**

Carlisle are the lead partner for the scheme and undertook a procurement exercise in accordance with their procurement framework. Not all contractors are local due to the level of accreditation required to meet the schemes standards. Difficulties in accessing a skilled workforce and the burden on small businesses associated with meeting accredited standards have been raised with the Cumbria Local Enterprise Partnership and are being considered for future procurement.



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Sustainable Warmth Cumbria Grants

Questions

- **Can an applicant use their own contractors**

No, this is not possible as Local Authority procurement rules must be followed.

- **Does the tenant have to apply?**

Yes, the tenant not the landlord has to apply. The landlord must be consulted and agree to the works being undertaken and the financial contribution they are required to make. The landlord is not obliged to agree to the works being undertaken.

The driver for the scheme is to alleviate fuel poverty, hence the need for the tenant to be the applicant and meet eligibility criteria.



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Sustainable Warmth Cumbria Grants

Questions

- **Can solar panels be installed in conservation areas?**

This depends on the location and is considered on a case by case basis. Some works can be undertaken as 'permitted developments'. Where applicable planning consent is required before works start. Permission must be from the relevant authority which may be the National Park Authority rather than the District Council.



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Empty Homes Grant

What's available

- Up to £5,000 per property
- Properties empty for 2+ years
- To ensure the property is ready for occupation

Free from Class 1 hazards in accordance with Housing Health and Safety Rating System standards (HHSRS)



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Empty Homes Grant Eligibility

- Applicant must own the property
- Works to be completed within 6 months of grant approval
- Preliminary inspection required
- Grants paid on completion of works
- Invoices and final inspection required
- Property reoccupied within 6 months (owner or tenancy of 6 month)

Empty Homes Grant Eligibility cont...

- Legal charge on property
- New works only
- Planning permissions/consent/building control obtained before works start
- Insurers/leaseholders made aware of works
- Neighbours informed – Party Wall Act 1996

Empty Homes Grant Application Process

- Simple application form
- Initial Assessment by EDC's Home Improvements Agency
- Final approval by Assistant Director Customers, Performance and Housing



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Empty Homes Grant Any Questions?



There were no questions at this stage of the presentation