

## THE HOUSING SOLUTIONS SELF HELP PRIVATE RENTING SCHEME

### TERMS AND CONDITIONS FOR PROSPECTIVE LANDLORDS AND LETTING AGENTS

These terms and conditions are for landlords or agents wishing to offer a tenancy to a homeless client of Southwark Council under the Housing Solutions Self Help Private Renting Scheme and for prospective tenants of the accommodation.

#### The Landlord/Agent agrees as follows:

##### Incentive payment:

- Not to require a payment of any other deposit, introduction / management / holding fee or service charge from prospective tenants under the scheme. Should a client pay such fees this will be deducted from the incentive payment or deposit and the landlord/agent will be removed from the scheme.
- Incentive payments will ONLY be paid directly to agents who have provided a copy of their certificate of registration and proof of membership of a reputable landlord or agent union. Otherwise the payment will be made directly to the landlord.
- Incentive payments will be paid directly to landlords who have provided a proof of Identity and a proof of address
- Landlords must not be resident, unless they are renting out a Room only in the property
- That client will not be moved into a property without an Authorisation Letter duly signed by client's Housing Solutions Officer. Clients must move into the property IMMEDIATELY upon receipt of the Authorisation Letter.
- That the Housing Solutions Self Help Private Renting Scheme incentive payment will not be applicable to properties where clients have moved in without an authorisation letter from the officer in charge of the case.
- The incentive payment offered to Landlord is non refundable.
- However Landlords/Agents who receive a deposit will become subject to new regulations, and will be required to place such monies with a government approved rent deposits scheme.
- Southwark council maintains the right to withhold payment of the incentive payment if there is a breach of any of the terms stated above.

##### Rent:

- To accept the current Local Housing Allowance rate as the rent for the property. No shortfall of the rent payment is allowed to be made by the tenant. However, if you are working it may be possible to negotiate an affordable increase
- To accept Housing benefit payments as rent which is made every 4 weekly in arrears. Landlords and agents must also be willing to liaise directly with the Housing benefit office regarding their tenant's rent. If UC all payments go direct to the applicant and it is their responsibility to pass the housing element on to the landlords
- Southwark Council Housing Options Services cannot be held liable for any rent not paid by the tenant for whatever reason.

#### Property Condition:

- Not to provide properties for the scheme where the tenant's safety is jeopardised or compromised. An example is where a property has a resident landlord.
- All properties provided to and for the scheme must be furnished, of a lettable standard and meet the relevant health and safety regulations, i.e. the Health and Safety act 1998 and the Housing Act 2004.
- That Southwark Council accepts no liabilities for any damages, rent arrears accrued or any additional payments on a property on the commencement of the tenancy. Landlord /Agent are responsible for any disrepair associated with the property as defined by Landlord and Tenants Act 1985 (S11). Rent insurance?

#### Ending the tenancy:

- To sign a 12 months fixed term tenancy agreement without a break-clause with the tenant. Southwark council will not pay another deposit for the same property within the first 2 years.
- Landlords are encouraged to renew the tenancy agreement every year if the tenant has behaved in a tenant-like manner in the property and use the protected deposit as they new deposit for the new Assured Shorthold tenancy.
- Landlords cannot seek possession of the property before the end of the fixed term unless the tenant breaches the terms of the agreement. Whenever possession is sought a valid notice must be served and a court order for possession must be obtained if the tenant is unable/unwilling to vacate the property.
- Landlords who illegally evict tenants under the scheme will not be able to approach the authority for further placements. Moreover, it is the duty of the council's Tenancy Relations Department to investigate and if need be prosecute such landlords.

### **The Tenant agrees as follows:**

#### Property Condition:

- That Housing Solutions Private Renting Scheme is a self help scheme. The client is therefore responsible for finding a suitable property under the scheme.
- It is the client's responsibility to ensure that the property accepted from a landlord or agent has no disrepair problems. Southwark Council accepts no liability for any disrepair problems, rent arrears issues or any other tenancy problem once the client has agreed to move into the property.
- That Housing Solutions Self Help Private Renting Scheme is not temporary accommodation rather it is an option to provide you with settled and secure rehousing solution.
- Unless you are renting a room, do not to accept a property where the landlord is resident or where there are conditions that can jeopardise or compromise the legal rights of an assured shorthold tenant.

#### Incentive payment:

- Do not pay any other money to the landlord or Agent as a deposit/shortfall/introductory/management fee or service charge. They should only be receiving our incentive payment and 4 week deposit. To live in the property for a minimum

period of 12 months and afterwards either renew the tenancy or make alternative personal arrangements.

- To keep the property in same condition that you moved into it
- Not to move into an accommodation without a duly signed authorisation letter from your Housing Solutions officer. That the Housing Solutions Self help Private Renting Scheme incentive payment will not be applicable to properties where clients have moved in without an authorisation letter.
- That incentive payment is a one-off payment and will not be made to and on behalf of the tenant on a yearly basis.

#### Others:

- To consent to Housing benefit to be paid directly to the landlord for the duration of the tenancy. If an applicant has to claim UC, that they make payments to the landlord for the rent. To periodically liaise with and promptly provide any documents required to the housing benefit office so as to ensure that the rent is paid on time.
- To pay all bills promptly; keep to the terms of the tenancy agreement and to live in the property in a tenant-like manner which would encourage the landlord to renew the tenancy after the expiry of the fixed term.
- That moving out of the borough of Southwark will suspend any application to bid for a property through the Southwark Homeseach Scheme.
- Not to lose the accommodation due to an act, omission, anti-social behaviour and or breach of any of the terms of the tenancy as Southwark council will not assist such erring clients.
- If unable to make alternative arrangements, clients have the right to remain in the property till the landlord serves a valid notice and obtain a court order for possession.
- That the Self Help Housing Solutions Private Renting Scheme is not a statutory duty towards the tenant. Southwark council reserves the right not to assist any client through the scheme.
- That all arrangements with the Southwark Council's Self Help Housing Solutions Private Renting Scheme are ended once the incentive payment has been received by the agent or landlord.

### The Property Standard

The requirement to provide and maintain a property to a reasonable standard is clearly implied in a letting agreement. In practice this tends to be open to considerable interpretation, often to the detriment of the resident. It is our intention that all domestic PRS properties let in Southwark meet this standard as a minimum.

#### Our standard will be based around the following core areas.

**Safe** - There are no serious hazards in or around the property that have not been addressed, resolved or mitigated before and at all times during occupation.

**Secure** - The resident has proper control of the dwelling and can enjoy their occupation unmolested by unwanted or unlawful intrusions.

**Warm** - The property can be heated to a suitable degree of comfort without spending unreasonably on fuel costs.

**Working** - The fabric and systems of the property function as any reasonable person would expect and are repaired and maintained as required at the request of the resident in a timely fashion.

## Safe Homes

### 1) Statutory Duties

- a) The property must not have any hazards assessed at Category 1 or significant or multiple Category 2 hazards under the HHSRS system.
- b) If the property has any Gas appliances it must have a current Landlords Gas Safety Certificate at all times that it is occupied
- c) If the property is not a single self contained dwelling it must have a Fire Risk Assessment that complies with the Regulatory Reform (Fire Safety) Order 2005. If any alteration to the property or re-letting to a different resident group occurs the Fire Risk Assessment must be reviewed to ensure it is still valid and meets the needs of the property. Any works required by the Fire Risk Assessment must be undertaken in a reasonable time.
- d) Any other certification required must be in place. This includes solid fuel appliances and flues, electrical inspections and certification and any additional standards applicable to houses in multiple occupation as described in the annexes.

### 2) Fabric & Structure

- a) The structure of the property must be properly maintained. Roofing, walls, windows, guttering & rainwater goods, doors, floors, external stairs will be weather tight, function correctly, be securely affixed and prevent the ingress of moisture.
- b) The property will be free from damp in all the occupied rooms.
- c) The external access to the property will be maintained to prevent risks from slips, trips and falls. Suitable handrails and guards will be provided if required on stairs and paths. There will be clear instructions placed in prominent locations to prevent escape routes being compromised by landlords or residents possessions, rubbish and flammable materials.
- d) There will be effective lighting to the access ways and common areas as required.

- e) The property will have arrangements for the suitable and sanitary storage of all the refuse and recycling bins provided by the local authority.
- f) The landlord will take all reasonable steps to eliminate infestation of vermin and insects.
- g) All staircases shall have:
  - i) Gaps between their spindles and gaps between their balustrades which are no more than 100mm, two way light switch provided in all stairwells/hallways with more than one floor so that the light can be switched off/on from either floor or floors,
  - ii) Be free from obstruction and not unreasonably steep,
  - iii) A suitable handrail securely affixed.
  - iv) All staircases should where possible conform to current building regulations. Any stairway or step should not vary from current building regulation requirements in such a way as to present an unreasonable level of hazard to users.
- h) Fire Safety - The following standards shall apply
  - i) All homes shall have adequate fire separation between separate units of accommodation
  - ii) All front doors to flats which lead off a communal hallway shall be half hour fire resistant doors, designed to meet BS476 Part 22.
  - iii) If the kitchen adjoins a fire escape route, a half hour fire door complying with BS476, Part 22 shall be provided. If this requirement is impracticable, then a mains powered electricity heat rise detector shall be installed in the kitchen and wired to a suitable alarm.
  - iv) All glazed kitchen doors shall have fire resistant glass, or other suitable safety glass.
  - v) The preferred standard for smoke alarms shall be electrically operated interlinked smoke alarms installed to each floor complying with BS5839, Part 6.
  - vi) Flats in converted houses or above commercial premises shall have mains operated interlinked smoke alarms.
  - vii) In other properties, as a minimum standard, battery operated or plug-in smoke alarms shall be installed on each floor and to be tested every year. Smoke detectors should be at least one on every floor.

## Secure Homes

The resident is entitled to be and feel secure in their home. This includes the ability to prevent unwanted and unlawful entry, windows and doors that can be safely and properly secured and means to control entry to the property.

- 1) Doors shall meet the following standards:
  - a) All external front (main entrance) doors and frames shall be of exterior grade quality and should be reasonably secure from access by intruders. They shall have a British Standard five lever mortise dead lock or equivalent.
  - b) All other external doors shall have a British Standard mortise dead lock.
  - c) All external front doors shall open freely, have a bell or adequate knocker fitted and is clearly numbered.
  - d) All internal doors shall open, close and fasten properly.
  - e) All doors with large glass panels shall be fitted with safety glass or film.

### Warm Homes

It is increasingly clear that living in inadequately heated homes has a negative effect on the health and life chances of a wide range of vulnerable people. It is intended that this standard begins to address the poor energy performance of some PRS properties

The Government is clear in its expectation that domestic rental properties will be required to improve in terms of energy efficiency. The Energy Act 2011 stipulates that from April 2016 private residential landlords will be unable to refuse a tenants' reasonable request for consent to energy efficiency improvements, where a finance package, such as the Green Deal and/or the Energy Company Obligation (ECO), is available.

Provisions in the Act also provide for powers to ensure that from 1<sup>st</sup> April 2018, it will be unlawful to rent out a residential or business premise that does not reach a minimum energy efficiency standard (the intention is for this to be set at EPC rating "E").

These requirements will be subject to there being no upfront financial cost to landlords; therefore, landlords will have fulfilled the requirement if they have reached a rating of "E" or carried out the maximum package of measures funded under the Green Deal and/or ECO.

It is currently possible to get cavity wall and roof insulation at low or no cost for most traditional properties and therefore there is no practical reason not to insist on simple energy efficiency measures to be included in this standard.

- 1) The landlord shall provide an EPC to the resident before occupation.

2) Insulation

- a) The following standards shall be met:
- b) All accessible loft spaces shall have insulation of at least 200mm of modern rockwool insulation or its equivalent.
- c) All hot water tanks shall be foam lagged or have a good quality insulating cylinder jacket, which has been properly fitted,
- d) All water tanks and pipes which may be liable to damage by frost shall be adequately protected with lagging,
- e) Any letting of one, two or three stories with a cavity wall, which can be reasonably insulated, shall be insulated

3) Heating and Hot Water Systems

- a) Heating and hot water shall be provided and shall meet the following standards:
  - i) There shall be a permanent heating source provided in every habitable room and a hot water system to provide hot water to sinks, baths and showers.
  - ii) If heating and hot water is by electricity it shall be of reasonable capacity and available on an off peak tariff
  - iii) The heating system provided shall be sufficient to maintain an internal room temperature of 21 degrees Celsius in the living room and 18 degrees Celsius in the bedrooms, bathroom, kitchen and hallway when the outside temperature is minus 1 degree Celsius.
- b) All gas heating systems shall be fully serviced by a registered gas operative at least every two years.
- c) All central heating systems shall have a timer and thermostat capable of controlling the temperature within the dwelling and the timing of heating and hot water. Electrical systems should also have timers and thermostatic controls.
- d) All hot water systems shall be able to operate independently from the heating system.

4) Doors, windows and other openings shall have reasonable and effective draught proofing.

### Working Homes

The basic principle is that the parts of the property should function as intended and be adequately maintained in order to continue to function.

1) External

a) Garden (where applicable)

i) All gardens shall:

- (1) Be cleared of rubbish and have all vegetation, shrubs and trees cut back and tidy at the beginning of the letting. The Landlord may pass this obligation to the resident thereafter.
- (2) Have their walls and fences in good order.
- (3) Have gates (if present) that operate well with gate posts/pillars that are secure,
- (4) Have sheds or ancillary buildings (if present) which are empty, in good repair and safe.

2) Internal

a) Stopcock - The location of the stopcock should be easily accessible, the location identified to the resident at the move in and should be capable of turning off the fresh water supply without undue effort.

b) Walls and ceilings shall meet the following standards:

- i) Dampness - all habitable rooms shall be free from damp, mould, peeling paper, etc.
- ii) Condensation occurs sometimes in all homes. Condensation problems due to structural features shall not be so pervasive as to constitute a health hazard or be a statutory nuisance.
- iii) Plaster shall be sound, securely affixed and show no movement when examined.

c) All woodwork shall be free from rot of any description. The decorative state shall not be so poor that paint is flaking away or be unduly difficult to clean.

d) Windows/Glazing - The following requirements shall apply to windows and glazing:

- i) External and internal windows in bathrooms and toilets shall be glazed with obscure glass or treated with plastic film to provide privacy.
- ii) All glazing which is under 800mm/2.8 feet from the floor (and greater than 25cm in any direction) shall be glazed with toughened glass or have safety film properly applied to prevent shattering if it is broken,
- iii) All main habitable rooms (living rooms and bedrooms) shall have a glazed window of an area allowing reasonable levels of natural light. Bedrooms and living rooms should not have borrowed light or ventilation,



- iv) All windows shall be reasonably secure from entry by intruders.
- e) Ventilation - The following standards shall apply:
  - i) All main habitable rooms (i.e. living rooms and bedrooms) shall have at least one window that opens.
  - ii) This requirement also applies to kitchens, bathrooms and WC cubicles if they rely on natural ventilation.
  - iii) Opening parts of windows should be easy to reach and operate.
  - iv) If a kitchen, bathroom or WC is an internal room it shall have mechanical extract ventilation capable of three air changes per hour.
  - v) A light switch shall activate any mechanical ventilation and the fan shall have a twenty minute overrun when the light is switched off or be controlled by a moisture switch.
- 3) Electrical Items - All homes shall meet the following standards:
  - a) All electrical wiring shall be covered and securely affixed. All surface mounted wiring shall be enclosed in suitable plastic electrical conduit.
  - b) All plugs and socket mountings shall be in good repair and securely affixed.
  - c) The dwelling must have its own consumer unit or fuse box which is easily accessible and allows the safe isolation of electrical supply within the dwelling.
  - d) All habitable rooms, corridors, access ways, stairways, halls, landings and common areas must have suitable and safe fixed electric lighting
  - e) Any electrical items provided by the landlord must be safe and function as intended. PAT testing must be done at the commencement of the letting.
- 4) Flooring
  - a) All flooring surfaces shall be in such condition that they do not present any danger to residents or contribute to slips, trips or falls. It must be securely fixed.
  - b) It must be suitable for the room concerned and it must be possible to keep floors clean and sanitary without special materials or equipment.
- 5) Kitchens -shall meet the following minimum standards:
  - a) Shall have a safe supply of potable drinking water
  - b) Sockets shall be appropriately spaced with,
    - i) At least two double sockets at worktop height,

- ii) Two low level sockets for fridge and washing machine if space permits those appliances,
- c) Suitable cooking facilities should be provided for the number of persons occupying the dwelling
- d) If free standing, the cooker shall be fixed to the wall with a retaining strap or chain
- e) Sinks and worktops shall be sealed around edges with silicone sealant or other suitable and hygienic arrangement
  - i) All wastes, pipes and traps shall be free of defects with no leaks or drips.
  - ii) Any holes around waste pipes and traps shall be sealed so as to prevent the ingress of vermin,
  - iii) Taps shall be in good working condition (i.e. no dripping).
- f) Suitable and adequate kitchen units and worktop to be provided which are in good condition, sanitary and easy to keep clean.
- g) There must be adequate storage units and work surface space for the size of the home and the number of people in occupation.
- h) Bathrooms and toilets
  - i) Floor covering shall be vinyl type or tile and shall be free from defects.
  - ii) Floors shall be sealed around their edges by appropriate means.
  - iii) The bath shall be fitted securely and there shall be no leaks from seals or adjacent tiling.
  - iv) Bathrooms shall be constructed to ensure that water from normal activities can not lead to any egress into the rest of the structure of the home.
  - v) All bath panels shall be free of defects and securely fitted
  - vi) Showers are not essential but where provided the landlord shall ensure that their normal use will not damage the home through water egress or otherwise,
    - (1) Separate shower cubicles shall be tiled or sealed to a height of at least 1.8 metres and all shower bases shall be adequately sealed with a curtain/door provided.
    - (2) Showers fitted above baths will have tiling or other waterproof surface which shall be of a sufficient height to protect the decoration of the wall and prevent the escape of water.
    - (3) If a shower is provided over a bath the bath shall be of a reasonable design so as not to give rise to a slipping hazard to those who use the shower.

- vii) Wash hand basins shall be sealed around the edges with suitable sealant.
- viii) Waste pipes and taps shall be free of defects with no leaks or drips, taps to be easy to operate and in good working order
- ix) Light fittings shall be of a sealed type appropriate for bathrooms operated by pull cord.
- x) The toilet shall be clean, securely attached, free of defects, with a secure seat and the cistern shall fill at a reasonable rate.
- xi) The floor covering in separate WC shall be sealed and sanitary.