

1. It is proposed that a local scheme, operated by the City of York Council be introduced in York. On application, Landlords and Letting Agents will:
 - Complete a form declaring their 'Fit and Proper' status. Relaxed if already a holder of a mandatory HMO licence.
 - Provide the Council with a list of properties they own and details of relevant safety certificates. This requirement is relaxed for Letting Agents due to the number of premises they manage, however Letting Agents must agree that their records will be made available for inspection at any time by the Council.
 - Ensure that all their properties meet the Decent Homes Standard and are not in a condition that is liable to be hazardous to the health and safety of tenants, visitors or members of the community.
 - Provide access to properties for the Council to carry out random compliance checks.
2. Be given a date for the next training course due to be held by the Council.
3. On receipt of an application for accredited status, the Council will undertake a checking procedure to be satisfied, as far as is reasonably practicable, that the Landlord or Letting Agent is responsible, competent and suitable to be a member of the scheme.
4. The Council will run regular training courses involving a variety of agencies that Landlords and Letting Agents are required to attend.
5. Following successful checking, and registering for attendance at a training course, landlords and Agents will be awarded the status of accredited Landlord.
6. Some random property condition and management compliance checks will be undertaken by the Council to maintain the reputation of the scheme.
7. For those signatories complying with the scheme, the Council will provide a package of inducement benefits exclusively available to participating Landlords and designed to enhance their business.
8. All accredited Landlords and Letting Agents will be provided with a certificate and stickers for display.

- 9.** The Scheme is designed to benefit all partners equally and also provide help and advice to all individuals and agencies with an interest in the PRS in York.
- 10.** Membership of the Scheme would be open to any individual or company owning or managing residential property within the boundary of the City of York Council, whether they are locally based or not.
- 11.** Whilst membership of the scheme is voluntary, there are however, certain basic criteria which must be met to ensure the credibility of the Scheme and to provide some security to those taking part.
- 12.** Members' compliance with the conditions of the Scheme would ensure that –
 - Both landlords and tenants enjoy the benefit of good standards of housing management and practice.
 - The likelihood of misunderstandings and disputes are reduced.
 - Where problems do occur they are more likely to be promptly resolved.

The basic terms of a potential scheme are as follows-

A. Signatories to the Scheme must ensure that they comply with-

- a.** their legal obligations as a landlord in respect of the health, safety and welfare rights of their tenants.
- b.** the terms and conditions of the Scheme.

B. Landlords are required to inform the Scheme operator of all of the private rented properties they own that are located within the Scheme boundary.

C. Landlords are required to inform the Scheme operator of any changes to their property portfolio, for example, if they sell or buy a property within the Scheme boundary.

D. Upon request, landlords must arrange and provide access for authorised officers to inspect any of the properties they own within the Scheme boundary. These inspections are to ensure that they meet the current legal and Scheme requirements.

E. Member's properties should be maintained to meet the 'Decent Homes Standard'. Where it is found that any Category 1 or Category 2 Hazards exist under the Housing Act 2004, Scheme members will be issued with an improvement plan and given the opportunity and reasonable timescales to address the works.

There will also be a “lead in period” for improvement works to be carried out where necessary to meet the standards of the Scheme when joining. If a member fails to complete works to remove/reduce a Category 1 Hazard they will be served with a formal enforcement Notice and will be deemed to be in breach of the terms and conditions of the Scheme.

In a case where a member’s property presents a serious and imminent risk to health and safety (multiple Category 1 Hazards), it may be necessary to proceed straight to the serving of a formal enforcement notice which will also be deemed to be in breach of the terms and conditions of the Scheme.

F. Members must also be compliant with any other Statutory or legal requirements i.e. Planning, Building Control Notices, Fire Authority Notices etc.

G. On notification by a tenant, repairs should be carried out within the timescales outlined in the Scheme.

H. Landlords must ensure that an annual safety check is carried out on gas appliances, fittings and flues and a copy of the gas safety certificate is given to tenants. Copies of gas safety and electrical certificates must be made available to the Scheme operator.

I. Landlords are required to provide an EPC when they rent out a home. The EPC must be available free of charge to prospective tenants. This should be provided before any tenancy agreement is entered into. They are valid for 10 years and can be reused as many times as required within that period. An EPC is not required for any property that was occupied before 1 October 2008 and which continues to be occupied after that date by the same person.

J. Upon the start of a new tenancy, the tenant(s) should be given a written tenancy agreement. This should include information about the terms and conditions of the tenancy such as rent to be paid, frequency of payments, who is responsible for the payment of other services (water, gas, electricity, council tax etc), if a deposit is taken include details of what the deposit covers and under which scheme it is protected, details of the owner and agent.

K. The name and address of the landlord should be provided to the tenant or contact details of any managing agent or person/s acting on behalf of the landlord. This should include contact details for use in case of emergencies and for reporting repairs.

L. Tenancy Deposit Protection (TDP) schemes guarantee that tenants will get their deposits back at the end of the tenancy, if they meet the terms of the tenancy agreement and do not damage the property. Landlords wishing to be accredited must protect their tenants' deposits using a TDP scheme if they have let the property on an assured shorthold tenancy which started after 6 April 2007. The three approved schemes are -

- Deposit Protection Service
- MyDeposits
- Tenancy Deposit Scheme

M. Landlords should ensure that, in the provision and letting of housing or associated services and the letting of contracts for services, no person or group of persons applying will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin gender, disability or sexual orientation.

N. The landlord should notify the Scheme operator of any offence or conviction they are being investigated for or have been convicted of an offence that may compromise their suitability as a landlord as part of the “fit and proper person” criteria.

O. Any complaints received about an accredited landlord or properties owned by an accredited landlord will be appropriately investigated and discussed with the landlord.

P. Full membership will be given upon submission of a valid application, including a payment of a fee, completion of the declaration relating to the Scheme Criteria and other supporting information. It will be compulsory that a member attends the required training events within their membership period. An application for membership will be refused if qualifying criteria are not met following discussions with the Scheme administrator.

Potential Scale of Fees

| | No. of properties owned / managed | | | | |
|--|-----------------------------------|------------|-------------|-------------|-------------------------|
| | 1 – 5 | 6 - 10 | 11 - 30 | 31 - 100 | 100+ |
| Landlords' / Agents' Accreditation Membership Fee | £50 | £50 | £50 | £50 | £50 |
| Property Administration fee (not per property). | £35 | £75 | £155 | £260 | To be negotiated |

Q. A 10% discount in fees could be offered during the first six months of operation to encourage membership. Landlords who licence or who have licenced HMOs will not be charged a membership fee. Property administration fees will still be charged.

R. Membership will last for a year, after this time, landlords will be invited to renew their membership.

S. A member may be suspended from the Scheme pending investigation, where it becomes apparent that there has been a serious contravention of the scheme terms and conditions but there may be significant mitigating information to consider before a decision can be made regarding the landlords membership.

T. Membership will be withdrawn if -

- a.** It is found that a false declaration has been made in joining the Scheme.
- b.** There is an allegation of a serious contravention of the terms and conditions of the Scheme which is proven.
- c.** There are persistent infringements of the Scheme terms and conditions; or
- d.** Any other reason that can be justified by the Scheme Steering Group.

In cases where there is clear unambiguous evidence that there has been a gross contravention of the Scheme terms and conditions, membership will immediately be withdrawn.

U. All decisions regarding a landlord's membership will be made by the Scheme Steering Group Review Panel. A landlord will be informed of any review of their membership and provided with information on the process that is followed including how they may appeal.