
Housing & Community Safety Policy and Scrutiny Committee

23rd March 2020

Private Rented Sector

Summary and Recommendation

1. This is an information paper only, it advises what actions the Housing Standards and Adaptations service carry out to improve the Private Rented Sector (PRS). This paper should be read in conjunction with the 25th November 2019 Scrutiny paper at Annex 1, which gave an update about the extension of licensing of Houses in Multiple Occupation (HMOs). HMOs form a significant part of the PRS.
2. Reason: Members have asked for a report to be brought to Scrutiny to understand what actions are carried out by the service to improve the sector.

Background

3. In York the housing market is made up of a private and a social sector. Around 85 percent of York's 89,590 homes are in the private sector, which equates to nearly 73,000 homes. 59,129 (66%) homes are owner occupied 17,022 (19%) homes are rented from a private landlord.

Our Private Sector Housing Strategy 2016- 2021 outlined the key aims to improve the private sector including the private rented sector. In partnership we identified that there were 5 key aims to that strategy

1. Encourage and support owner occupiers to maintain safe homes, free from category 1 hazards
2. Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from category 1 hazards. Inform and support tenants around what they can expect
3. Enable people whose independence may be at risk to safely remain in or return to their home

4. Maximise use of the existing housing stock to increase the supply of decent affordable homes
5. Enable more sustainable homes by increasing energy efficiency and reducing fuel poverty

4. Aim 2 directly seeks to improve conditions in the private rented sector. Aims 3, 4 and 5 contribute towards improving the sector and helping tenants, for example, the falls prevention service supports all tenures including the PRS. The strategy was developed based on a study commissioned by the council and carried out by the Building Research Establishment in 2015. This study reported on the extent of the category 1 hazards found in homes in York, and also highlighted the health impacts of poor housing and the costs they present to the NHS and to society. A category 1 hazard is one that presents a serious and immediate risk to a person's health and safety. The two main category 1 hazards in York were falls and excess cold. The poorest performing tenure was the private rented sector.
5. Since the strategy was approved there has been a range of laws introduced by central government which also has had an impact on what the council has been doing, these include:
 - a) A requirement for all private rented properties to be fitted with a working smoke alarm and, wherever a relevant heating appliance is installed, an audible, wired-up EN50291-compliant carbon monoxide alarm; Since October 2015, all landlords have been required to install a smoke alarm on every storey of a property used as rental accommodation, and a carbon monoxide alarm in any room used as living accommodation with a burning appliance for solid fuel
 - b) Housing and Planning Act 2016 empowered councils to impose a penalty charge without recourse to court action where breaches of the Housing Act 2004 were found; for civil penalties of up to £30,000 as an alternative to prosecution for certain housing offences for example failure to licence a HMO.
 - c) The Extension of Mandatory Licensing of Houses in Multiple Occupation to all HMOs containing 5 or more occupants irrespective of the number of storeys in October 2018. We reported on the progress of this previously.

- d) The introduction of the minimum energy efficiency standard of an E for private rented properties. Since 1st April 2020 it has been a requirement that landlords should not let properties rated a F or G.
 - e) The Homes (Fitness for Human Habitation) Act 2019 applies to private rented and social housing. Will apply to all tenancies from 20th March 2020. Landlords must ensure property is fit for habitation at the beginning and throughout the tenancy by making sure it is free from serious hazards. If not, the tenant has the right to go to court for breach of contract and the landlord will have to put right issues or pay compensation.
 - f) The Tenant Fees Act 2019 came into force on 1st June 2019. The Act prohibits private landlords / letting agents from charging tenants any fees other than specified costs, such as rent and deposit.
 - g) The Renters Reform Bill was mentioned in the Queen's Speech in December 2019. This looks at –
 - Repealing Section 21 of the Housing Act 1988, removing “no fault” evictions
 - Reforming current legislation to give landlords more rights to gain possession and improving the Court process for landlords to make it quicker and easier to get properties back sooner
 - Introducing a lifetime deposit for tenants
 - Widening access to and expanding scope of the database of rogue landlords (to be subject to consultation)
- 6 The Government has also been consulting on a number of other areas which will affect the PRS namely
- Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 and subject to approval by Parliament are the Government are seeking to introduce regulations which will ensure electrical installation inspections and testing are carried out for all new private sector tenancies in England from the 1st July 2020 or from the 1st April 2021 for existing tenancies.
 - A review of the Housing Health and Safety Rating System which is the legal tool that we must use to assess housing conditions.
 - Fire Safety matters as a result of the Government's response to the Grenfell tragedy

7 In the next 12 months as well as continuing with our normal programmes we will bring forward papers to:-

- consider the need to refresh the evidence base and the Private Sector Strategy to ensure that it aligns with the Council's new priorities and takes account of the above changes.
- consider the evidence base to extend HMO licensing through an Additional Licensing Scheme to other smaller properties and
- introduce a policy to implement the Electrical Safety Regulations 2020

8 We will also be delivering a range of funding streams which the Council has been successfully obtaining including:-

- £162k from the Ministry of Housing Communities and Local Government to support a regionally recognised qualification for landlords. The bid also aims to support 128 Enforcement officers from across the region obtain a well-recognised qualification
- £100k from Business, Energy and Industry to support the development of a national tool kit aimed at raising the minimum energy efficiency standards in the Private Rented Sector
- To continue to deliver Warm Homes Funding aim at introducing first time central heating to fuel poor households including a small number of systems to improve private rented sector homes

Consultation

9 None

Council Plan

10 The provision of the HMO licensing service contributes directly towards the council plan outcomes of

- a) Create a cleaner and greener city
- b) Creating Homes and World class infrastructure
- c) Open and Effective Council
- d) A better start for Children and Young People
- e) Good health and Wellbeing

Implications

- 11 The report is for information only and there are no other implications at this stage for the following:

Financial, Human Resources (HR), Equalities, Legal, Crime and Disorder, Information Technology (IT), Property, Other, Risk Management.

- 12 The risks are low but there is significant work for the service in the next 12 months.

Contact Details

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**Report
Approved**



Date 13/03/20

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex A - 25th November 2019 Scrutiny paper - Extension of HMO Licensing the First Year