



Who we are

AHAS represents the largest number of housing advice, housing options and homelessness services in London. The Association represents statutory housing advice and options services which are the portal from which every private sector resident with housing problems passes through. We speak for the sections that source private tenancies, negotiate and direct applicants to private sector tenancies and therefore interact as a matter of course with a large number of private landlords and agents and consequently have up to date information on trends in the private rented sector as it applies to low income and vulnerable singles and households.

Local authorities are significant players in the Private rented sector as they access, manage tenancies directly and indirectly and exert some influence over private sector landlords. As a result we believe we are in a good position to contribute to and inform the debate on all aspects of dealing with the private rented sector in London and the south east.

In addition AHAS has undertaken research with private sector landlords with the aim of bridging the gap between landlords and local authorities to assist procurement of private sector accommodation for housing applicants:

<http://www.ahas.org.uk/downloads/AHAS-Report-Giving-Landlords-What-They-Want.pdf>

We welcome the opportunity to comment on the consultation document. This document represents the views of key Local Authority Housing Needs Managers in London.

Question 1: In addition to the production of the Tenant's Charter, is there any further action that could be taken to raise awareness amongst tenants and landlords of their rights and responsibilities? Who needs to take this action?

The assertion that a small minority of landlords are unaware of their responsibilities is not correct. The truth of the matter is that the majority of small landlords are not aware of their responsibilities, and the small landlord now dominates the rental market. Whilst ignorant and mistake prone they are not rogue. The drive by the Mayor of London to increase the number of landlords accredited is a good start. Becoming accredited requires the landlord to attend training and sign up to general terms so making them more aware. Tenant accreditation, like the scheme run by Lambeth council, Camden's "Good Tenant

Mornings" Kingston's Tenant Information Session to name a few examples offer the same opportunities for tenants to learn about being a tenant.

Like the government, AHAS doesn't believe that regulation is the way forward. It is clear from our discussions with landlords that this will be unpopular and any costs will simply be passed on to the tenants. The inevitable consequence of regulation will be higher rents making more areas unaffordable.

The problem is simply that there is too much legislation and regulation for a small "unprofessional" or "accidental" landlord to understand. Disseminating this to simple rights and obligations has always been a challenge, but we support the introduction of a long overdue standard tenancy agreement would be a significant start.

Question 2: What is best practice in raising awareness amongst tenants of their right to seek help and advice from their council and how can this be shared between local authorities

All local authorities have an advice service and an environmental health or property standards service. In these austere times many services are struggling to meet the growing demands for advice and assistance for housing options, homelessness prevention and property standards.

The consultation states that they may not know that services are available. This may be true, but the same can be said of any service whether provided by the local authority or not. The point is that this is not unique. There are issues for all services when a citizen is in crisis and dealing with a problem. Service providers and policy makers have always struggled with how people access information to resolving problems at the time they need it. Local authorities can have clear and up to date web sites - and most do. One of the problems is that more than 10% of the population, the most vulnerable are digitally excluded, who are often the clients we are trying to reach.

Local authorities could distribute direct publicity to private tenants about their services. The problem with this is that it is expensive and the transitory nature of private tenants in many boroughs would require this to be done regularly and would decrease scarce resources from front line services. Local authorities do their best to advertise and promote their services, and to suggest otherwise is a misrepresentation. Local authorities could target with direct mail shots tenants on benefit. Many already do this but in most London authorities the number of tenants not on housing benefit far outweighs the number on benefit. So direct mails shot will only reach say 15 or 20% of tenants. The take up of direct mails shots is always very low so overall a direct mail shot will probably reach very few tenants.

The issue comes down to one of coordination and resources and rather than each local authority delivering the same messages at a greater cost government could consider organising a national publicity awareness campaign. It would also be

desirable for local authorities to be seen to lead on this and not the voluntary sector.

Another option would be to include Mandatory information about tenants' rights to seek advice on all Assured Shorthold Tenancy agreements; this used to be essential part information on some statutory forms under previous Rent Acts and in County Court possession order forms. A simple Government central website which works on postcodes, could direct tenants to their local authority or the major advice agencies.

Question 3: What is best practice in dealing with requests for help and advice from private sector tenants and how can this be shared between local authorities

It is fair to say that services to private tenants are not what they used to be. However, successive Government policy over the last decade or so must take some responsibility for the situation. Over this time there has been a focus on housing options, homelessness prevention, single homelessness and street homelessness at the expense of private tenants. Expert and specialist advice services for private tenants significantly reduced during this period with the inevitable loss of knowledge and service. This has placed increasing pressure on environmental health services. AHAS has been warning about the demise of dedicated services for many years. There is evidence that some local authorities are reviving and promoting private sector advice services which is to be encouraged.

Government could support and liaise with representative local authority organisations such as AHAS to promote services to private tenants. AHAS was specifically set up over 20 years ago to support and share best practice between local authorities. We have for some time recognised the significance in the demise of front line private sector advice services and is organising a conference in September to highlight this. We would welcome the minister to speak at our annual conference and help promote the vision direct to local authority managers. AHAS would also encourage the Minister to visit local authority front line services to see some of the exceptional support private tenants are receiving. AHAS would be very happy to organise this.

AHAS has for some years been advocating for local authority housing advice services and environmental health services to be located in the same group of services. Traditionally these services have been in different departments. Bringing them together allows for seamless services for private tenants. Information and advice about standards and disrepair are managed by the advice service who refer enforcement issues to the environmental health team

There is currently no national database for dealing with rogue landlords but this could be cumbersome. The DCLG should do further work on the feasibility of sub regional databases most likely under the umbrella of another recognised body i.e. UKLAP/LLAS. Tenants could ring and their complaint could be directed to the appropriate local authority. Again, this would need pump priming resources.

Introducing this could be beneficial to all local authorities in helping identify landlords to be avoiding and help move rogue landlords out of the system. This would need to be accompanied by information sharing protocols

Question 4: Should the guidance for landlords be updated and widened to include information for tenants, to help them understand whether a property contains hazards

Any guidance information to help landlords and tenants understand the complicated HHRSS assessment would be welcome. The issue is not however the production of materials. There are some excellent examples of well written guidance on property standards produced by organisations and by many local authorities. The issue is one of dissemination. The government should support and promote landlord accreditation and should provide guidance for the minimum requirements each scheme should have. This would ensure that each local authority actively promotes landlords to be accredited.

A single National Landlord Accreditation Scheme should be introduced i.e. UKLAP/LLAS or as a minimum, establishment of agreed training standards & passporting between the existing schemes (i.e. NLA and UKLAP/LLAS)

Question 5: Do you think restrictions should be introduced on the ability of a landlord to issue or rely on a section 21 possession notice in circumstances where a property is in serious disrepair or needs major improvements?

The issue of legislating against retaliatory evictions has been a policy objective of a number of campaigners for many years. AHAS does not support introducing a restriction in the use of s21 to manage disrepair. First, as the consultation paper points out, the problem is only anecdotal. What local authorities see much more of its tenants breaking their tenancy where they feel repairs have not been carried out.

Secondly, any regulation will inevitably lead to confusion particularly in defining what is serious disrepair or major improvements. Lastly the inevitable consequence will be additional burdens on local authorities. Disputes between tenants and landlords currently resolved by housing advice services will have to involve environmental health services to decide whether the disrepair is serious. In addition the burden of proof that disrepair was the reason for the possession order would be very difficult to establish and substantiate. Indeed in some cases landlords would be able to argue that they need vacant possession to affect the repairs. This will take away resources from environmental health which could be focused on dealing with the worst cases.

Question 6 & 7

No further comment

Question 8: Do you think Government should introduce Rent Repayment Orders where a landlord has been convicted of illegally evicting a tenant?

Yes - but when you consider the very small number of prosecutions this will affect very few tenants. Again there is a wider issue to consider here - why are there so few prosecutions? Limits on legal aid have made it very difficult to find at speed local solicitors who can apply for injunctions and or take on cases. Further to question 3 above, there have inevitably been skills lost in local authorities with policy and practice focus firmly on single homeless and housing option over the last couple of years. AHAS has tried to address this and held a series of meetings to highlight a coordinated approach to tenancy relations services and this will again feature as part of our upcoming conference. AHAS is developing a tenancy relations practice pack and would welcome discussions with CLG about promoting this.

Question 9: Should this be in addition to, or instead of, any damages the tenant may have received, or action taken by the local authority, for example a prohibition on renting out the property?

In addition to damages

Question 10: Should a rent repayment order be issued automatically where a landlord has illegally evicted a tenant

This question suggests that there is a possibility of applying a rent repayment order where no prosecution has been taken but where the landlord has illegally evicted a tenant. It may be difficult to be clear about when this could be applied. For example would it apply where the local authority is satisfied there has been an offence but there was no public interest to proceed? Or perhaps where the local authority has decided not to proceed due to insufficient information or a non credible witness, but the tenant has been evicted without due process?

Question 11: Do you think a landlord should be subject to a rent repayment order if they rent out a property that contains a serious hazard.

We are reading serious hazards to mean Category 1 HHRSS hazards.

The consequences to local authorities may outweigh any benefits as there could be a significant rise in speculative referrals and complaints about standards. Tenants and advocates may see this as an opportunity significant to defending possession or rent arrears. This will increase burdens on local authorities. Where there are hazards prohibition notices can be served to prevent future lettings until the works are completed. AHAS believes the current legislation is satisfactory for dealing with such matters

On balance AHAS does not support rent repayment orders for properties with serious hazards.

Question 16: Should private sector landlords be required to install, and maintain, carbon monoxide alarms in their properties or would a non-regulatory approach be a better option?

AHAS supports a non-regulatory approach, however installing and maintaining carbon monoxide alarms should be a minimum standard. We would encourage this to be a requirement of becoming an accredited landlord.

Question 17: Does the Landlord & Tenant Act 1985 cover the right areas, or should it be broadened to cover other issues?

We do not support the introduction of further legislation. There is already a resource problem supporting the enforcement of existing regulations and landlords are confused enough as it is; we believe exiting legislation is suitable.

Question 18: Do you think that the current approach strikes the right balance or should there be a statutory requirement on landlords to have electrical installations regularly checked?

As in Q17 we do not believe there should be any further statutory requirements; training landlords in good management and rolling out accreditation to support them should be sufficiently to raise standards. Resources are just not available to police any new regulations.

Question 19: How effective is voluntary accreditation as a way of driving up standards?

We like to believe that voluntary accreditation drives up standards however without further research this is purely speculative and anecdotal; we would like to see research funded to test this assumption. We support the Mayor of London's drive to increase the number of accredited landlords and suggest funding for a major national campaign to drive this forward. We would also urge the national standardisation of accreditation schemes.

Question 20: Should we consider introducing an approach which would enable local authorities to focus any licensing scheme solely on rogue landlords?

Yes we fully support this approach and consider it an excellent idea. Forcing landlords who continually ignore standards and who harass or evict tenants to be licensed and "on probation" would be an effective way of sending out the message and would be a good use of resources. We would support an ultimate sanction of withdrawing the license to let. It would need to be carefully drafted to catch agencies and no loopholes.

Question 22: How can we balance the need for short-term holiday accommodation with seeking to ensure that sufficient accommodation is available for longer term letting?

We do not believe it is possible or advisable to force landlords to elect for one market or the other. The market will respond to its commercial interests and irrespective of how much we would like to see longer terms lettings this is a question of supply and demand.

Question 23: Do you think the methodology that underpins the Housing Health and Safety Rating System and/or the accompanying operational guidance need to be updated?

HHSRS is difficult to understand and overly complicated. As a minimum the guidance needs to be updated and simplified.

AHAS recommendations

The government should:

1. Supports and promotes landlord and tenant accreditation and promotes a single standard for accreditation
2. Investigates the opportunities to introduce or endorse a standard tenancy agreement
3. Encourage local authorities to retrain advice services in landlord and tenant issues
4. Support the co-location of housing advice and options services and environmental health services to better coordinate services
5. Organise a national publicity awareness campaign
6. Insert statutory information in Assured Shorthold Tenancy Agreements advising tenants to seek advice and referring them a website.
7. We suggest the Minister would benefit from attending AHAS conference in the autumn 2014
8. AHAS would like to organise a ministerial visit to front line private rented sector advice and enforcement services to inform the Minister of the scope of the services that can be delivered
9. No regulations are brought forward to deal with retaliatory evictions
10. AHAS is willing and able to produce a tenancy relations practice pack; we would welcome meeting with the CLG to discuss this and how they can support AHAS in disseminating this pack.
11. Further work should be undertaken to consider using rent repayment orders for illegal evictions and Category 1 hazards.
12. A set of national accreditation standards should be introduced setting minimum standards for landlords to be accredited such as installing and maintaining carbon monoxide alarms.
13. Research should be undertaken to provide evidence about the impact of voluntary accreditation

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