

Croydon Landlord Newsletter (May 2020)

Coronavirus (COVID-19)

Due to the current pandemic and the need to communicate important updates, including legal responsibilities, this newsletter has gone to all licence holders.

Protection for tenants under the Coronavirus Act 2020

The Coronavirus Act 2020, in force from 26 March 2020, protects most tenants and secure licensees in the private and social rented sectors. Where landlords do need to issue notices seeking possession, the notice period must be for three months. At the expiry of the three-month notice, a landlord cannot force a tenant to leave their home without a court order.

What does the current situation mean for repairs to my property?

A landlord's repair obligation has not changed. Tenants still have a right to a decent, warm and safe place to live. The council understands that planned inspections can be more difficult at this time.

- Tenants are encouraged to inform landlords as early as possible in the event that they encounter any repair or safety issues.
- Where reasonable and safe to do so and in line with other government guidance, every effort should be made to review and address issues raised to a landlord's attention by tenants. It is recommended that records are kept of the action taken.

Guidance has been released by the Government for landlords and tenants in regards to coronavirus, which can be found by clicking here [landlord and tenant guidance](#). It details the controls that need to be put in place, as there is still a need for visits and repairs to properties. Starting new tenancies should be delayed. During the controls, there is a reduction in inspections being done by council officers but the service remains open and please ask if advice is needed.

Selective Licensing in Croydon

The current designation operates until the end of the 30th September 2020. On the 21st October 2019 it was agreed at the Council's Cabinet that there would be a 12-week consultation to collect views from landlords, residents and other organisations about a future selective licensing scheme. This consultation took place between the 16th December 2019 and the 9th March 2020.

The consultation was delivered by Opinion Research Services (ORS) on behalf of the council. The council put forward options for licensing schemes including proposed fees, conditions and frequently answered questions. Approximately two thousand people took part and the council is grateful to ORS for coordinating the consultation and to all participants who provided such objective feedback.

A comprehensive report has been produced by Opinion Research Services. The report is available on the Croydon Council website (including summary):

www.croydon.gov.uk/betterplacetorent .

Following the consultation, the results and feedback have been reviewed thoroughly. The council is proposing that it will proceed with introducing a new selective licensing scheme. The proposal will be presented to Cabinet on Monday 11th May 2020. The proposed scheme will be formed of two designations that together form a full borough scheme.

The two designations are; Area A (in north and central Croydon) formed of 22 wards where the primary condition is poor property standards and Area B (across south Croydon) of 6 wards where the primary condition is anti-social behaviour (linked with PRS properties). These two designations were presented in the consultation as option 3.

If Cabinet agree to make the two designations, the schemes would still be subject to confirmation from the Secretary of State for Housing, Communities and Local Government. The proposed start date is the 1st February 2021 but this is also subject to confirmation. The current scheme and new scheme (if confirmed) would not be contiguous.

Questions about selective licensing in Croydon

It is expected that many landlords and tenants will have questions about licensing in Croydon. Discussions are underway with the communications team about how best to answer these 'questions'. At the moment, if you do have a question, please use CPRPLconsultation@croydon.gov.uk or Telephone: 020 8760 5476 (direct dial with monitored answerphone)

Electrical safety in private rented properties

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 will require electrical installation inspections every 5 years. From 1st July 2020, for new tenancies and from 1st April 2021, for all existing tenancies, landlords will be legally obliged to provide tenants with a copy of a report from a competent electrical inspector, and if any serious faults are identified these will need to be remedied as quickly as possible.

For landlords that already have an Electrical Installation Condition Report dated within the last 5 years, there is no need to renew this until the 5-year period is over [check recommended re-test date]. However, if not, the Council recommend to landlords starting early and arranging an inspection ahead of the change.

Information about finding a competent electrical person is possible by searching online, or clicking here [Electrical Safety First](#) and [Electrical Competent Person](#).

Gas Safety in properties

Guidance has been published on the importance of ensuring annual gas safe examinations are still being done during social distancing, which can be found here [Gas Safe](#) and in the Government's [landlord and tenant guidance](#). It is licence holder's responsibility for ensuring annual gas safe certification of the rental property, which should be available on request and/or at inspection. It is important for landlords to inform the tenant of the progress with gas safety inspections and to manage the risk presented by gas safety and possible carbon monoxide.

Houses in Multiple Occupation (HMOs) which currently have a Croydon Private Rented Property Licence (CPRPL)

The current CPRPL Scheme comes to an end on 30th September 2020. Landlords of HMO properties which currently have a CPRPL which are (or will be) occupied by five or more people formed of two or more households who share basic amenities, will require a MANDATORY HMO licence from 1st October 2020. We anticipate a high demand near to this time so would like to encourage landlords to apply early. Landlords may apply for a Mandatory HMO Licence from 1st June 2020.

In order to avoid a 'gap' between your two licences, duly made applications should be received as soon as possible and in any case by 1st September 2020. This should enable us to process applications allowing for the statutory consultation period of at least 14 days. For any application received after 1st September, there may be a gap between your two licences.

The fee for a mandatory HMO licence is £250 per habitable room. This includes rooms that are not currently being used as bedrooms but those that could be. It does not include kitchens, bathrooms or kitchen diners. We do not accept cheque payments. Payments must be made by credit/debit card by calling the HMO admin officer on 020 8726 6100 extension 61450.

Please be reminded that it is an offence to operate a licensable HMO without having obtained a licence. HMOs operating without a licence are now subject to an unlimited fine. You are therefore encouraged to apply for a mandatory HMO licence as soon as possible after 1st June 2020.

Properties may not be inspected prior to issuing the licence so licences could be subject to amendments.

HMOs of 3 or 4 people will not require a mandatory HMO licence but may be subject to any Additional or Selective Licensing scheme should one be in place in the future.

Further details regarding HMOs can be found at <https://www.croydon.gov.uk/housing/privatehousing/hmo/hmollicence> or please contact hmo@croydon.gov.uk

Article 4 direction and small HMOs

On the 28th January 2020, the Council introduced an Article 4 Direction requiring owners to seek planning permission for the change of use from a dwelling house to an HMO of any size. Please be aware, if a mandatory HMO licence or selective licence is applied for before planning permission is sought and planning permission is subsequently refused, the licence fee will not be refunded.

For information on Article 4 rules please make contact with Spatial planning by email: ldf@croydon.gov.uk or phone on 020 8407 1385.

Minimum Energy Efficiency

Minimum Energy Efficiency Standard (MEES) Regulations now covers all private rented properties, even when there has been no change in tenancy. This means that a minimum EPC rating of E has to be achieved.

Croydon Healthy Homes

Croydon Health Homes' current scheme will run until May 2020, and has capacity to support about 150 more households. In June, there is a plan to launch a new enhanced service. Croydon Healthy Homes can help home owners and residents renting from a private sector landlord access grant funding for energy improvements to their homes, including efficient boilers and insulation.

Advisors can support residents to use the heating system and other measures they already have fitted in their homes, to run in the most energy/cost efficient way for the needs of their household, and can fit FREE small energy measures such as LED bulbs, radiator reflector panels and draft proofing. Advisors can also support resident find and switch to the best energy tariffs and ensure they are receiving all the support they are entitled to from their energy and water providers. For full details of the service click here www.croydon.gov.uk/healthyhomes

Right to Rent Check.

Here is a statement provided by the Home Office.

“We welcome the Court of Appeal’s ruling that the Right to Rent Scheme is lawful and not in breach of human rights law. Since 2016 there has been a requirement for landlords and lettings agents in England to take undertake checks to ensure that they are renting only to someone who has a right to do so and how to do these checks is provided in the code of practice on GOV.UK

<https://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice>

Right to Rent checks are straightforward and apply equally to everyone seeking accommodation in the private rental sector, including British citizens, and there are penalties for landlords who fail to complete the checks and who are later found to have rented to someone without a right to be in the UK.

We have temporarily adjusted the checks to make it easier for landlords and letting agents to carry them out during the coronavirus outbreak. Prospective renters are now able to submit scanned documents, rather than originals, to show they have a right to rent. During this period, landlords must take extra care to ensure that no-one is discriminated against because they are struggling to evidence their right to rent.

Landlords should use the [Landlord’s Checking Service](#) if a prospective or existing tenant cannot provide any of the existing documents. Guidance on the adjusted checks are available can be found on GOV.UK

<https://www.gov.uk/guidance/coronavirus-covid-19-landlord-right-to-rent-checks>”

What do I do if a CPRPL licensed property is sold?

If a property that is licenced under the Croydon Private Rented Property Licencing Scheme (CPRPL) is sold on, the council needs to notified by email: propertylicensing@croydon.gov.uk. The person making the declaration must be the current licence holder for the property.

As property licences cannot be transferred between licence holders, any new landlord of a previously licensed property will need to make a new application.

Unlicensed private rented premises.

The council is still investigating properties that should have a licence under the licensing scheme. Additionally, licences are still being processed. Landlords wanting information about how to apply should go:

On-line to www.croydon.gov.uk ([croydon private rented property licensing](#)) or

Email propertylicensing@croydon.gov.uk or

By telephone:020 8726 6103, available Monday to Friday, 9am to 4pm.

Croydon Landlord Forums.

The next forum would have been due to take place in June. At the moment this event has been postponed and later date will be set. The council will look to inform you as soon as we know.