**Dundee Landlord E-Newsletter**

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**ARE ALL OF YOUR CERTIFICATES CURRENT & VALID?**

**PRESCRIBED INFORMATION – UPDATE**

Prescribed Information was implemented on 16 September 2019 and involves **all** private landlords self-declaring and evidencing (when requested) that their certification ie. Gas Safety, EICR’s, EPC’s etc are current and valid, and that they comply with all other legal requirements relating to the letting of houses, when registering their properties or renewing an existing application.

**There are no new duties for landlords and so this change should have a minimal impact on those who already meet the existing standards.**

Local Authorities will be required to carry out **random sampling** of registered landlords property portfolios to ensure compliance, therefore it is vital to ensure your documentation is up to date and at hand.

These regulations will require landlords to answer a maximum of 12 new questions, when submitting a new or renewal application. The questions relate to the following obligations:

* The Tolerable and Repairing Standards – Landlords should be aware of their duties under the Tolerable and Repairing Standard
* Gas safety – **ALL** rental properties **must** have a current Gas Safety Certificate, (if applicable)
* Electrical Safety – **ALL** rental properties **must** have an Electrical Installation Condition Report (EICR)
* Electrical Appliance Test – **ALL** rental properties with Portable Appliances, including White Goods, **must** have a Portable Appliance Test (PAT)
* Fire, Smoke and Heat Detection – **ALL** rental properties must have adequate smoke/heat detection
* Carbon Monoxide Detection – **ALL** rental properties with a gas supply, **must** have a Carbon Monoxide (CO) Detector
* Private Water Supply (where applicable) – only 3% of properties in Scotland are served by a Private Water Supply
* Energy Performance – **ALL** rental properties (few exemptions) **must** have a valid Energy Performance Certificate (EPC), be mindful of upcoming minimum standard changes commencing April 2020
* Legionella Risk Assessment – **ALL** rental properties **must** have a risk assessment carried out, and landlords must ensure they advise their tenants of Legionella and give advice on how to minimise the risks
* Rental Property Insurance – **ALL** rental flats or properties in a tenement **must** have adequate insurance in place
* Common repairs - **ALL** landlords must be aware of their obligations surrounding communal repairs
* Tenancy Deposits – If landlords have taken a deposit you **must** ensure you have lodged the deposit within a deposit scheme and are aware and have met your tenancy deposit obligations.

By far the Legionella Risk Assessment aspect has created the largest volume of enquiries with landlords unsure on what their requirements are, with Portable Appliance Testing (PAT) coming a close second and with confusion over Gas coming in third. We are seeing a lot of certificates being submitted which clearly indicate the installations are either unsatisfactory, or the certificates are out of date! We are also noticing that many certificates are coming in showing recent dates indicating that they were not compliant before being requested by the local authority.

**LEGIONELLA RISK ASSESSMENT – YOU DO REQUIRE ONE!**

**It is a legal requirement under Health & Safety regulations to carry out a Legionella Risk Assessment.  This can be done by any competent person. What you are not required to do is to retain a hard copy of any Risk Assessment carried out, although we would strongly advise that best practice would be to have a written Risk Assessment and a record of the implementation of appropriate control measures identified to mitigate the risks. You may find the following link useful:**

[**http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm**](https://protect-eu.mimecast.com/s/_aaMCLvp9iy9X7IPnpNG?domain=hse.gov.uk) - with so much confusion over what landlords are required to do to fulfil their Legionella requirements – hopefully this will clear any confusion.

**Good practice, in addition to providing advice (in the form of an information sheet) to tenants would be to ensure, as a minimum, before each new tenancy, that you carried out the following typical checks associated with a low risk domestic property.  These would be:**

**1.  Where installed, check the CWT to ensure that it is insulated, has a close fitting lid and that the tank is free from rust debris, scale or organic matter that could support Legionella bacteria.  The stored water temperature should be below 20 degrees C.**

**2.  Check, where applicable, that any stored hot water is heated to 60 degrees C**

**3.  Check that cold water temperatures at outlets are below 20 degrees C**

**4.  Check that hot water temperatures at outlets are above 50 degrees C**

**5.  Flush hot and cold water systems after any void period**

**6.  Clean and disinfect shower heads**

**These actions will ensure that you have fully complied with a typical risk assessment whether retained as a hard copy (strongly recommended) or not and by recording (strongly recommended) that this has been done you will have evidence of compliance.**

**We urge all landlords to check the list above and ensure all certification is current and valid at all times.**

We are working with landlords to help guide them through the process in order for their registrations to be renewed or processed but inevitably the above has resulted in unnecessary delays in approving applications.

**ENERGY PERFORMANCE CERTIFICATE (EPC) RENEWALS**

As you will be aware changes to the EPC ratings are coming to improve the energy efficiency of rental properties:

* **From 01 April 2020** all rental properties must have a **minimum EPC Rating of E at the change of tenancy.**
* **By 31 March 2022 ALL** rental properties must have a **minimum EPC rating of E.**
* **From 01 April 2022** all Private Rented Sector Properties must have a **minimum EPC Rating of D at the change of tenancy.**
* **By 31 March 2025 ALL** Private Rented Sector Properties must have a **minimum EPC Rating of D.**

The majority of Private Rented Sector properties covered by the Repairing Standard require to comply with Scottish Government Regulations in respect of minimum EPC Standards. If a property has been continuously let since before 4 January 2009 it doesn’t require an EPC, therefore it’s not covered by the Scottish Government Regulations. However, if an EPC has been generated for another purpose, such as installing solar PV and feed in tariffs, or a Home Energy Scotland loan, then the property will be covered by the regulations.

Therefore pre-2009 tenancies are out-with the scope of the new regulations from April 2020, unless they are brought into scope via feed in tariffs or a HES loan.

Obviously at change of tenancy the requirement will be for the minimum standard at that time therefore it may be in your best interest to evaluate any upgrades required to meet the above standards sooner rather than later. Be aware you will be unable to relet your property until you meet the minimum standard.

**CHANGES TO TENANCY DEPOSIT REGULATONS IN SCOTLAND**

Landlords should be aware of the amendment to the Tenancy Deposit Schemes (Scotland) Regulations 2011 which came into force 11 November 2019.

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| https://i.emlfiles4.com/cmpimg/t/s.gif |

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| * The amended rules add an exception to the situations in which a tenancy deposit must be paid into an approved scheme. From 11 November 2019, where the tenancy has terminated and the deposit is repaid to the tenant prior to the expiry of the period of thirty working days from the beginning of the tenancy, the landlord will no longer be required to pay the deposit into a scheme. * Where a landlord and tenant have agreed that the deposit will be paid in instalments, landlords will now be required to provide information to the Tenancy Deposit Scheme on the cumulative amount paid, as well as the individual payment amount for each instalment paid. * Scheme administrators will be required to provide tenants with the details of the sanctions that can be applied for where the landlord has paid the deposit into the scheme after the expiry of the thirty working days, both when the deposit is lodged with the scheme and when they receive the landlord’s application for repayment once the tenancy has ended. * Where the landlord has failed to lodge the deposit within thirty working days of the tenancy commencing, tenants will have thirty working days from the end of the tenancy to apply for sanctions. * If a landlord indicates that the full deposit is to be repaid to the tenant at the end of the tenancy, the scheme administrator is no longer required to seek authorisation if this amount from the tenant, speeding up the process of the deposit being repaid. |

**NATIONWIDE FOUNDATION RESEARCH ON PRIVATE RESIDENTIAL TENANCY IN SCOTLAND – HAVE YOUR SAY!**

The charitable foundation, Nationwide Foundation, has commissioned Indigo House consultants to undertake a major research study over the next three years to investigate in detail the impact of the changes that have been made over the past few years to the Private Rented Sector tenancy regime, including the introduction of Private Residential Tenancies in late 2017.

This is expected to be a high profile piece of research that will engage tenants, landlords, letting agents and other stakeholders in considering the impact of the changes made and what this means for future policy and practice the private rented sector in Scotland, and the UK as a whole.

The issues explored in the research will be of interest across the sector and we would encourage you to take the time to complete the initial online survey targeted at landlords and letting agents. This is being managed by researchers, IBP Strategy & Research, and should take around 15-20 minutes to complete at the link below:

[https://www.snapsurveys.com/wh/s.asp?k=156777890420&qa=8](https://protect-eu.mimecast.com/s/knHKCQ6xWiZk0ZuMwDyR?domain=snapsurveys.com)

As a landlord/agent in Dundee this is your opportunity to have your say, and to provide your views about the new tenancy regimes and any challenges and opportunities presented by this.

The survey is being networked across the sector, so if you have already seen and completed it, please accept our apologies. Nationwide Foundation shall share their findings as they emerge.

**PLANS FOR DWP IMPROVING THE SYSTEM FOR APPLYING FOR DIRECT PAYMENT OF UNIVERSAL CREDIT**

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| The Department for Work & Pensions are developing a new system online which will allow landlords to request that their tenant’s Universal Credit is paid directly to them for rent when appropriate. This service will replace the UC47 application form and will ensure that the correct information is gathered more efficiently which will speed up the process of putting the payment arrangement to the landlord in place. This is currently being tested using landlord volunteers with a view to rolling out the service to all landlords by the end of the year.  **SCOTTISH LETTING AGENT REGISTRATION FIGURES UPDATE**  The number of letting agents in Scotland who are now operating with a Letting Agent Registration Number (LARN) stands at 844 from 979 applications (November 2019 Stats) received by the Scottish Government. There have been 31 LARN’s withdrawn already, those relate to agents who are no longer operating.  Therefore there are 104 applications still currently outstanding and still being processed by the Scottish Government. The delay with the majority of applications is primarily due to agents meeting client money requirements.  The Scottish Government have issued assurances that they are working with those agents currently not complying with the regulations and the Scottish Ministers do not intend to approve any agents to the register who are handling client money but do not have a client bank account, or client money protection in place.  **Enforcement Action**  On a more positive note there have been 124 compliance letters issued to agents suspected of carrying out letting agency work in Scotland and have not submitted any application to the register and the Scottish Government will continue their investigations into these non-compliant agencies.  Compliance will be the focal point of the Scottish Government, once the outstanding applications have been dealt with, compliance visits to registered agents as well as focusing on those who continue to try and operate out with the scope of the regulations.  **If you are aware of an agent operating without having applied to the register, details can be sent to** [**plso@dundeecity.gov.uk**](mailto:plso@dundeecity.gov.uk) **or directly to the Letting Agent Regulation Team** [**lettingagentregulation@gov.scot**](mailto:lettingagentregulation@gov.scot)    **1 YEAR IN THE LIFE OF THE PRIVATE LANDLORD SUPPORT OFFICER**  With nearly a year in post (I know where has this year gone!) Terri has loved helping & supporting landlords new and old on their landlord journey, with general enquiries on landlord registration, certification, lease agreements, serving of notice, how to proceed once notice expires, anti-social behaviour, deposits etc.  Latterly the support has come with the introduction of Prescribed Information in September which now requires landlords to self-certify that they have all of their certification in place and are fully legislatively compliant (**having the certification is not a new requirement just the need to certify**) – by far the Legionella Risk Assessment aspect has created the largest volume of enquiries with landlords unsure on what their requirements are. Terri has been and is more than happy to provide guidance on what landlords are required to do to meet this compulsory condition.  Terri is working on preparing and hosting small informal free workshops covering every aspect of being a Private Landlord in Scotland. These workshops are ideal for new landlords as well as being beneficial as a refresher for the more experienced landlord. These will take place in the new year. If this is something you would be interested in, please drop an email to: [plso@dundeecity.gov.uk](mailto:plso@dundeecity.gov.uk)  Terri will be available to speak with you at our upcoming seminar. In the meantime, you can contact her with any questions or suggestions on: Tel: 01382 433236 or email: [plso@dundeecity.gov.uk](mailto:plso@dundeecity.gov.uk) |

**FREE LANDLORD RESOURCES**

Trying to remember, and keep on top of all your duties as a landlord can be daunting. To assist our department have produced a ‘Private Landlord Checklist’, ‘HMO Factsheet’, ‘Checking Out Checklist’ and also a new ‘What to look for in a Letting Agent Factsheet’.

These are free resources available to all landlords and letting agents.

To request your copy either email [plso@dundeecity.gov.uk](mailto:plso@dundeecity.gov.uk) or telephone 01382 433236.

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**\*\*LANDLORDS REMEMBER\*\***

* **Electrical Installation Condition Report (EICR).** Landlords are required to have an EICR of their property carried out. This EICR must include a Portable Appliance Test (PAT) for all electrical appliances supplied by the landlord. Electricians must be NICEIC or SELECT approved. <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2016/12/electrical-installations-and-appliances-private-rented-properties/documents/guidance-electrical-installations-appliances-pdf/guidance-electrical-installations-appliances-pdf/govscot%3Adocument/Guidance%2Bon%2BElectrical%2Binstallations%2Band%2Bappliances.pdf>
* **Energy Performance Certificates (EPC).**

From 9th January 2013 an energy performance indicator must be included in all advertisements and a copy of the EPC given to the tenant.Be aware of upcoming changes to the minimum EPC standard. Check the Scottish EPC register for an approved assessor:

<https://www.scottishepcregister.org.uk/assessorsearch>

* **Gas Safety.** The landlord must have the gas supply and any gas appliances provided, checked and certified annually by a Gas Safe engineer. A copy of the certificate must be given to the tenant.
* **Carbon Monoxide (CO) Detection.** From 1 December 2015 landlords must ensure there is adequate CO detection in all privately let property, with a gas appliance.
* **Houses of Multiple Occupation (HMO's).** Properties shared by 3 or more individuals (from more than 2 families) must have a current HMO Licence. Telephone 0800 0853 638 for more information.
* **Landlord Registration.** From 1 June 2013, The Private Rented Housing (Scotland) Act 2011 states all adverts for properties to let must include the **landlord’s** registration number, or in the case of landlords whose application is yet to be determined, the phrase **‘landlord registration pending’**. (**NB** - ***It is not acceptable to quote the agent’s registration number***). On 31 August 2011, it became an offence for landlords not to notify the local authority if they appoint an agent. This can incur a maximum fine of £1,000 – ensure your registration application is updated.
* **Letting Agent Register.**  Since October 2018 All letting agents must be registered with the new national register. It is a criminal offence to carry out letting agency work without having applied to the register. All letting agents should have met the training requirements and completed their registration application. <https://www.mygov.scot/letting-agent-registration/>
* **Legionella/Legionnaires Disease.** Landlords and letting agents are obliged by law to carry out risk assessments for Legionnaire’s Disease, implement any necessary measures and provide information to tenant(s). More information available at:

[www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm](http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm)

* **Prescribed Information.** Since16 September 2019 all private landlords are required to self-declare and evidence (when requested) that their certification ie. Gas Safety, EICR’s, EPC’s etc is current and valid.
* **Private Residential Tenancy (PRT’s).** Since 01 December 2017 landlords can no longer issue an Assured or Short Assured Tenancy. All new tenancies created must be the new Private Residential Tenancy: <https://rentingscotland.org/private-residential-tenancies/>
* **Repairing Standard.** A landlord has a duty to repair and maintain the property at the start of the tenancy and at all times during the tenancy, including a duty to make good any damage caused by carrying out this work.

<https://www.gov.scot/publications/repairing-standard/>

* **Smoke Alarms.** All rented properties must have one smoke alarm in the principal room, one in every hallway and landing, and a heat alarm in the kitchen. All alarms must be interlinked and either mains wired with battery back-up or tamper proof long-life lithium battery, via wires (hardwired) or wirelessly (by radio communication), the expiry date must be visible. Revised guidance was issued in February 2019 and is available from the Scottish Government website: <https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>
* **Tenancy Deposit Schemes.** Landlords must pay their tenant’s deposits into an approved tenancy deposit scheme within 30 days of the tenancy beginning and provide the tenant with key information about the tenancy and deposit.

<https://www.mygov.scot/tenancy-deposits-landlords/>

**FEEDBACK**

If you have any thoughts or comments on this newsletter, or suggestions for future topics to be included please email them to [landlord.registration@dundeecity.gov.uk](mailto:landlord.registration@dundeecity.gov.uk)

**You can view previous issues of our eNewsletter at** [**www.dundeecity.gov.uk/housing/privatesector/**](http://www.dundeecity.gov.uk/housing/privatesector/)

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If you no longer wish to receive update e-mails from Dundee City Council, Private Sector Services Unit please reply to this e-mail with the word 'remove' in the subject line.

If you opt out of receiving these e-mails you will not receive notification of legislation changes. This does not remove your obligation to ensure your let properties meets all current and future legislation.

At any time you can view the content of future e-mails on the Dundee City Council website [E-newsletter page](file:///\\dundeecity.gov.uk\dcc-dfs-data\hse-team\HSE-TEAMS\PSSU\Accreditation\LANDLORD%20INFO\NEWSLETTER\E-newsletters\LR%20e-mail%20updates\2019\E-newsletter%20page).