

CORNWALL RESIDENTIAL LANDLORDS ASSOCIATION

The CRLA Is A Not For Profit Company



**STITHIANS
SHOW EDITION
JULY 2018**



**ARE YOU UP TO DATE
WITH CURRENT AND
IMPENDING
LEGISLATION?**

**WE WILL HELP YOU
WITH THE LATEST
GUIDANCE**

**FREE DOWNLOADS FOR
ALL YOUR LETTING
BUSINESS NEEDS**



DON'T GET CAUGHT OUT

Make Sure You Know About:

- Article 4 Planning requirements for Falmouth
- Carbon Monoxide Alarms
- Client Money Protection
- Deposit Protection
- Deregulation Act 2015
- Energy Efficiency in Properties
- Fire Alarms
- Fire Risk Assessments
- FloodRE
- Gas Safety Requirements
- General Data Protection Regulations
- Housing and Planning Act 2016
 - Landlord and Agent Banning Orders
 - Civil Penalties
 - Electrical Safety Requirements
 - Extension to HMO Licensing
 - Extension to Rent Repayment Orders
 - Rogue Landlord Database
- Heat Networks Regulations
- HMO Licensing
- Housing Health and Safety System (HHSRS)
- Importance of Landlord Insurance
- Legionnaires Risk Assessment
- Letting Agent Redress Schemes
- Private Water Supply Regulations
- Rent Repayment Orders
- Retaliatory Eviction
- Right To Rent Checks
- Tenant Fee Ban
- Universal Credit

**If you would like to discuss how any of the above will affect your lettings business
please contact the CRLA office**

Tel: 01872 554498 or email crlawp@gmail.com

**INFORMATION SHEETS AND LINKS ON THE FOLLOWING TOPICS
CAN BE FOUND IN THE MEMBERS AREA OF THE CRLA WEBSITE**

- Control of Condensation
- Deposits
- Electrical Safety
- Electronic Contracts and Tenancy Agreements
- Ending An Assured Shorthold Tenancy
- Energy Efficiency
- Fall Prevention
- Flood Advice
- Gaining Possession
- Gas Safety
- Harassment and Illegal Eviction
- Heat Networks
- Home Safety Certificate
- How To Rent Guide for Private Rented Sector Tenants - January 2018
- HHSRS
- HHSRS
- HMOs
- Immigration (Right to Rent) Checks
- Keeping Drugs Out Of Rental Properties
- Landlord Responsibilities
- Landlord Rights For Inspecting Or Viewing A Property
- Legionella Landlord Responsibilities
- Lettings Guidance From Competition and Markets Authority
- Office of Fair Trading Guidance On Unfair Terms In Tenancy Agreements
- Online Housing Benefit and Council Tax Benefit Claim Management (Cornwall Council)
- Pest Control
- Private Rented Sector Code Of Practice 2014
- Property Safety Log Book
- Renting To A Lodger
- Repairing Obligations
- Rent Increases
- Resolving Neighbour Disputes
- Retaliatory Eviction
- Rights And Responsibilities Of Riverside Ownership
- Settling Disputes
- Smoke And Carbon Monoxide Alarm (England) Regulations 2015
- Tax
- Universal Credit

LISTING FROM CRLA WEBSITE MEMBER AREA— DOWNLOAD RESOURCES FOR LANDLORDS

- Assured Shorthold Tenancy Agreement
- Contents Sheet For Tenant Information Folder
- CRLA Log Book tenant version Updated October 2015
- Form No 4A - New Rent under an Assured Periodic Tenancy
- Fire Risk Assessment Template
- HHSRS Checklist
- Inventory
- Legionella Risk Assessment
- Lodger Agreement
- Pet Agreement
- Procedure on leaving property
- Rent Book
- Rent Office Form For Submission Of Rents
- Right To Rent Agreement Between Landlord and Agent
- Section 21 Notice
- Section 8 Notice - Seeking Possession of a Property Let on an Assured Tenancy
- Standard provisions for a Lodgers Agreement
- Tenancy Application Form
- Tenants Authority to Cornwall Housing
- Tenants Authority to Housing Benefit Department
- Tenants Authority to Housing Department
- Tribunal Form - Application To Appeal A Decision To The Upper Tribunal
- Tribunal Form - Apply For Help With Fees
- Tribunal Form - Apply For Help With Fees Advice Guide

All enquiries please contact

Ruth Clarke

CRLA Chairman and Facilitator

Tel: 01872 554498

Email crlawp@gmail.com

ARE YOU THINKING ABOUT BECOMING A LANDLORD?

MAKE SURE YOU HAVE EVERYTHING READY BEFORE YOU START

- Join your local Landlords Association
- Have all wiring in your property inspected by a qualified electrician
- Have electrical equipment being supplied to tenants PAT tested
- Have your gas equipment inspected and serviced by a Gas Register technician
- Have an EPC prepared—if necessary register the property and its EPC on the Exemptions Register
- Have copies of the EPC ready for prospective tenants
- Prepare a Fire Risk Assessment
- Prepare Legionella Risk Assessment
- Do you have/need a CO detector?
- Do you have sufficient fire alarms?
- Register with one of the Tenancy Deposit Protection schemes
- Prepare Assured Shorthold Tenancy Agreement with all required clauses and others to protect your investment
- Check to see if you need to register with the local authority for an HMO licence
- Take out landlord's buildings insurance
- Ensure your mortgage company are aware of and agree to the tenancy
- Prepare notice to comply with GDPR
- Register with Information Commissioners Office (ICO)
- If your property is to be shared by unrelated individuals make yourself familiar with HMO Management Regulations
- If a property is to be shared by five or more unrelated individuals apply to Cornwall Council for a Licence
- Check you are aware of Right to Rent required documentation
- Do you have the most recent How To Rent Guide?
- Prepare folder with all documentation to be handed to client for each property – including manuals for all equipment
- **Remember to note rent payments as well as costs of being a landlord in your tax return**

HOW TO RENT GUIDE

A new version of the How To Rent Guide was issued on 26 June. All new tenants from that date should be given a copy of that version of the Guide.

Are you giving your tenants the correct How To Rent Guide?

All new tenancies should have the (then) most recent How To Rent Guide and then a fresh guide, if a more up-to-date guide has been released before the tenancy is renewed or becomes periodic.

CHANGES TO MANDATORY LICENSING OF HMOS

Guidance for local housing authorities on extending mandatory licensing of houses in multiple occupation has been issued and the Order has been passed.

From 1 October 2018 the current HMO licensing regulations will be extended to include ANY property where:

- there are five or more unrelated persons.
- persons from two or more unrelated households are in occupation
- a flat is not purpose built in a block comprising three or more self-contained flats
- the flats do not meet the required building regulations

Up to now there has been a limit of three or more stories and that is being taken out so even a bungalow could become licensable.

There will be **NO** 'grace' period meaning licences must be applied for **BEFORE** 1 October 2018

Licences are issued by Cornwall Council Private Sector Housing Department.

The Order confirms the sizes of rooms that can be let out in an HMO.

- to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged over 10 years is not less than 6.51 square metres;
- to ensure that the floor area of any room in the HMO used as sleeping accommodation by two persons aged over 10 years is not less than 10.22 square metres;
- to ensure that the floor area of any room in the HMO used as sleeping accommodation by one person aged under 10 years is not less than 4.64 square metres;
- to ensure that any room in the HMO with a floor area of less than 4.64 square metres is not used as sleeping accommodation.

These room size changes will affect all licences granted after 1 October 2018 and all licences renewed after that date.

DON'T RISK A FINE FOR NON-COMPLIANCE

1 April 2018 was the deadline for properties in the private rented sector to have EPC Banding of E or higher for NEW tenancies.

A new tenancy:

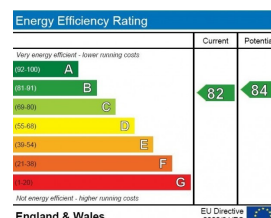
- **when a new tenant moves in**
- **when a new tenancy agreement is signed**
- **when a tenancy agreement rolls over to periodic at the end of the period on the agreement.**

Certain listed buildings and Houses of Multiple Occupation do not require an EPC. You are recommended to take legal advice to ensure your property genuinely falls outside of the regulations. Properties which fall below the required banding can be listed on the Exemptions Register.

Examples of reasons for applying for an exemption:

- **If certain wall insulation systems cannot or should not be installed – Regulation 28(2)**

- **If all relevant improvements don't improve the rating above an F or G – Regulation 29 (1)(a)**
- **If the improvements do not meet the 7 year payback rule – Regulation 28(3)**
- **If you cannot get consent to make the improvements – Regulation 31(1)**
- **If the improvements will devalue the property by more than 5% – Regulation 32 (1)**
- **If you have been a landlord for less than 6 months – Regulation 33(1) or (3)**



405 RIGHT TO RENT FINES ISSUED BY HOME OFFICE

Figures from the Home Office indicate 405 fines have been handed out to landlords in total during the government's 'hostile environment' crack down on illegal immigration (see diagram to the right).

The total cost of these penalties to landlords came to over £265,000. This makes the average fine approximately £654. However, penalties can range from:

Fines (civil penalties)

The amount you have to pay will depend on the

Type of Accommodation	Amount for a first time penalty	Amounts for further penalties
Lodgers in a private household	£80	£500
Tenants in rented accommodation	£1,000	£3,000

type of accommodation and if you've received a civil penalty before.

After the Windrush scandal the Home Office issued guidance to landlords to clarify that tenants who have lived in the UK permanently since before 1973 and who have not been away for long periods in the last 30 years, have the right to rent property.

Quite how a Landlord can assess that if the Home Office can't is anyone's guess!

NLA policy director Chris Norris, said: "the latest figures would seem to show that landlords are more aware of their responsibilities and are carrying out the required checks. However, it is important to remember that landlords are neither immigration experts nor border agents."

"The Right to Rent scheme has placed an additional cost on an already pressurised sector, while the excessive checks and lack of monitoring may have had harmful consequences for would be and vulnerable tenants."

The Home Office commented: "It's right that we have a compliant environment to deter illegal immigration and protect public services and it is a policy that has been operated under successive governments. The Right to Rent checks were developed with the input of the Landlords Consultative Panel and there is online guidance as well as a helpline to ensure the scheme is fully understood."

From Property118

RIGHT TO RENT CHECKS

Landlords of properties throughout England must check that someone has the right to rent before letting them a property.

Failure to undertake a check can result in letting out to someone without a right to live in the UK which can incur financial penalties or imprisonment.

Checks should be carried out on everyone, even if you believe that person to be genuinely eligible to live in the UK or to have been born in the UK. It is

against the law to only check people you think are not British citizens.

In the case where a prospective tenant is unable to provide documentation or the landlord is unsure of the validity of the documentation supplied there is a government helpline (0300 069 9799).

Copies of documentation showing proof of eligibility should be kept for twelve months following the end of the tenancy.

COMPULSORY CLIENT MONEY PROTECTION

Coming into force in April 2019.

The Order has now passed through the Parliamentary process for scheme providers.

Local authorities will then have the powers to fine agents up to £30,000 if they do not belong to an approved scheme; and fine agents up to £5,000 if they do not display details of their CMP scheme both in their offices and on their websites

The government has stated that this protection should be in place before the Tenant Fee Ban comes into effect to ensure that monies are not

'lost' in the event of an agent ceasing trading due to the financial implications of the ban.

CMP schemes will be approved in a similar way to redress and tenancy deposit protection schemes. However, the legislation will allow the Government to step in and create its own CMP scheme if necessary.

Agents will NOT be required to belong to a professional body in order to offer the protection.

DEPOSIT PROTECTION

Landlords must put any deposit taken into a government-backed tenancy deposit scheme (TDP). The government approved schemes are:

- Deposit Protection Service
<https://www.depositprotection.com/>
0330 303 0030
- MyDeposits
<https://www.mydeposits.co.uk/>
0333 321 9401
- Tenancy Deposit Scheme
<https://custodial.tenancydepositscheme.com>
0300 037 1001

Or

<https://www.tenancydepositscheme.com/>

Deposit protection comes in two forms:

- **Custodial**—where the deposit is paid into the scheme providers account
- **Insurance Based**—where the landlord pays a fee into a scheme but holds the deposit in his/her own bank account.

Landlords can use any scheme depending on the model that fits their particular business.

You only have thirty days to protect the deposit and provide your tenant with the required prescribed information. The prescribed information can be found on the website of your provider.

LANDLORD INCORPORATION

To those members who are being impacted by the changes to mortgage interest relief and possibly considering incorporating your lettings business: HMRC's internal manuals relating to Landlord Incorporation are published online and can be viewed by the general public?

For anyone interested the manuals are:

- CG65700**—Capital Gains Manual: Reliefs: Transfer of a business to a company:
- CG65710**—Transfer of a business to a company: introduction and interaction with other reliefs
- CG65715**—Transfer of a business to a company: conditions for relief
- CG65720**—Transfer of a business to a company: conditions for relief: meaning of 'business'
- CG65730**—Transfer of a business to a company: consideration wholly or partly in exchange for shares and consideration other than in shares
- CG65740**—Transfer of a business to a company: election for relief under TCGA92/S162 not to apply

CG65745—Transfer of a business to a company: computation

CG65750—Transfer of a business to a company: computation: transfer of liabilities

CG65755—Transfer of a business to a company: example: consideration wholly in shares

CG65760—Transfer of a business to a company: example: consideration partly in shares

CG65765—Transfer of a business to a company: example: consideration partly satisfied by sum credited to director's loan account

SDLTM33100—Transfer of a business to a company: example: relief restricted to cost of shares

How is a partnership treated for SDLT purposes?

If you are feeling swamped with too much information we have a speaker coming to our September meeting who should be able to explain all.

If you can't wait until September CRLA members are invited to contact John Savage for free initial advice (Tel 01872 271947)

FIRE AND ICE—FRIDGE FREEZER SAFETY

Commenting on the Department for Business, Energy and Industrial Strategy (BEIS) response to the investigation into the fridge-freezer model which instigated the Grenfell fire, Phil Buckle, Chief Executive of Electrical Safety First, said:

"We appreciate the thorough investigation undertaken to ensure that this fridge-freezer model fulfils all requirements of the safety standard in place at the time of manufacture. Under these

circumstances, no recall of the product has been required.

"However, we are concerned that even the requirement of the current standard means that a significant number of fridge-freezers are still being produced with plastic backs, which can present a fire risk if overheating occurs. Given that faulty white goods alone led to 1,873 fires last year, it is imperative that updated, robust, legislation is established to ensure product safety.

TENANTS—ARE YOU SEEKING ACCOMMODATION?

Tenants seeking accommodation are invited to visit the CRLA website and complete the form which can be found in the Public Pages under Looking For A Rental Property.

All requests received are circulated to CRLA members and will remain available for our members to view for a maximum of eight weeks.

Any tenant still seeking accommodation after the

six weeks is asked to complete the form again.

There is no cost for any potential tenant wishing to contact CRLA members when looking for a property.

All tenants will need to provide ORIGINALS of suitable forms of identification to meet with the requirements of the Right To Rent legislation before being granted a tenancy.

WHO ARE THE CRLA?

The CRLA was formed to represent, assist and inform landlords with properties in Cornwall. Members of the association enjoy the shared knowledge and experience of a group of professional landlords with properties throughout the county.

Representatives from the Association attend meetings with Cornwall Council in all areas where the private rented sector is discussed and with other relevant organisations in the area.

The Association holds bi-monthly general meetings at the New County Hall in Truro, which are open to both members and non-members alike. These

meetings provide an opportunity for members to exchange views and share their problems. Guest speakers at these meetings ensure that those attending are kept up to date with the latest information relevant to the residential lettings business.

The monthly newsletter updates members on the relevant legislation, regulation and other developments affecting their business together with regular updates on case law.

In December 2004 the Association was incorporated and now exists as a company limited by guarantee.

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Cornwall Residential Landlords Association

Registered Office:

Rohirrim

Penhallow

Truro

Cornwall TR4 9NB

Company Number: 5363025

Website: www.crla.org.uk

All Enquiries: 01872 554498

or

Email: crlawp@gmail.com

MEMBER BENEFITS

Accountancy Services and Tax Advice FREE INITIAL ADVICE RELATING TO YOUR LETTINGS BUSINESS

John Savage Accountancy

Tel: John on 01872 271947

Email: john@johnsavagaccountancy.co.uk

Building Supplies

B&Q DISCOUNTS through Tradepoint

Remember to use your Tradepoint Card whenever you visit a B&Q store (even if you use the 'ordinary' cash desk and not a Tradepoint designated till.)

If you do not have a CRLA B&Q Tradepoint card please email Ruth Clarke and give her permission to send your details.

Travis Perkins

Quote Card Number A17132

Account Number RR6792

This is a cash account so you will still need to pay for goods at the time of ordering/collection

Carpets—DISCOUNTS

THE CARPET SHOP

Covering Mid Cornwall

A wide range of carpet, vinyl, tiles and laminate

Free Expert advice

Free measuring and estimates

10% discount for all members!

30a Fair Street

St. Columb

TR9 6RL

Contact: John Clements

Shop 01637 881666

Mobile 07813179291

Email: jclements589@aol.com

Cleaning and Gardening—DISCOUNTS

Audreys Home Help

Tel: 07522 573132

Email: audreyshomehelp@outlook.com

Taylor Maids Cornwall

Tel: Louise on 07460575391

Email: Taylormaidscornwall@gmail.com

Luxe Holiday Housekeepers

Tel: 07482366173

Email: luxeholidaysservices@gmail.com

Copywriting—DISCOUNTS

Broca Creative

Copywriting service offering 50% discount to CRLA members on their first purchase.

Email: hello@brocacreative.co/

Website: https://brocacreative.co/

Counselling—DISCOUNTS

Just Be Yourself

Tel: Bhavna on 07946 423 787

Email: puretherapy1@yahoo.co.uk

http://www.counselling-directory.org.uk/counsellors/bhavna-raithatha/

Professional counselling from a highly qualified, experienced and accredited counsellor based in Newquay. I provide both telephone and face to face counselling for any issue ranging from anxiety and depression, to relationship issues and abuse. Please see my listing for more details: http://www.counselling-directory.org.uk/counsellors/bhavna-raithatha
Immediate appointments available. 10% discount for CRLA members and family.

Debt Collection—DISCOUNTS

COLLECTaDEBTpro.com

Tel: 0845 218 5225

Email: sales@collectadebtpro.com

Online, set fee debt recovery solution which includes intelligent multimedia strategies, investigations, trace and litigation if required. You only pay our low set price per account (no other costs or commissions are charged) and most clients actually receive our services for FREE. The CRLA have negotiated a preferential members discount of 25% on all packages. Please use the discount code "CRLA25" when instructing us via our online portal at www.collectadebtpro.com.

Electrical Goods—DISCOUNTS

Dixons (Currys, PC World, Carphone Warehouse

Minimum 5% discount

Contact Ruth Clarke to register for these discounts

Electrician - DISCOUNTS

Guy Foreman Electrics

Tel: Guy on 01326 241773 or 07736308299

Email: guyforeman.sparky@btinternet.com

All electrical services including installation testing and PAT testing

Energy Performance Certificates/Room Plans/

Legionella—DISCOUNTS

EPC Cornwall

Tel: 07779120004

Email: epccornwall@btinternet.com

15% discount for CRLA members

Fire Safety

Jeff Hick—FREE INITIAL ADVICE RELATING TO YOUR LETTINGS BUSINESS

Tel: Jeff on 01872 277256

Email: jeffhick@hotmail.com

FireCrest—PREFERENTIAL RATES

Tel: 01209 831417

or website www.extinguisher.com

(Please note this is NOT a discount from FireCrest)

Gardening—TREMAIN GARDEN DESIGN

Established since 1997

Consultation, Design, Planting, Project Management.

MEMBER BENEFITS

Blank canvas design to general Garden restyling and improvements

Gardeners Questions service

07817417998

10% Discount to CRLA Members for Consultancy Fees AND for Design Fees

Inventories—DISCOUNTS

Westcountry Inventories

Tel: 01326 567535

Email: natalieosborne78@googlemail.com

10% discount to CRLA members

Landlord and General Insurance

ADVANTAGEOUS RATES

Aston Scott

Tel: 01841 532939

John Bateman Insurance Consultants Limited

Tel: 01926 405040 OR 01926 405882

Alan Boswell Group

Tel: 01603 216399

Email: landlordenquiries@alanboswell.com

Legal Assistance—FREE INITIAL ADVICE RELATING TO YOUR LETTINGS BUSINESS

Coodes

Tel: 01872 246200

Email: crla@coodes.co.uk

Legionella Risk Assessment—DISCOUNTS

Cornish Energy

Tel: James on 01326 563 910

Email: jamestyas@btinternet.com

Letting Agent and Property Management—DISCOUNTS

Cornwall Homeseekers Ltd

Tel: 01872 262288

Email: rentals@cornwallhomeseekers.co.uk

2% Discount off Management Fees for CRLA Members

Millerson Lettings

Offer for CRLA Members—all new landlords a full management service of 5% plus VAT (discounted from 10%). Offices throughout Cornwall

Launceston

01566 779810

northcornwalllettings@millerson.com

Contact Name: Nikki Miles, Lettings Manager

Liskeard

01579 344401

lettingsliskeard@millerson.com

Contact Name: Sharon Smith, Lettings Negotiator

St Austell

01726 72236

centralsoutheastlettings@millerson.com

Contact Name: Martin Richards, Lettings Manager

Perranporth

01872 573700

perranporthnorthcoastlettings@millerson.com

Contact Name: Claire Brand, Lettings negotiator

Redruth

01209 310970

midcornwalllettings@millerson.com

Contact Name: Jason Smith, Lettings Manager

Penzance

01736 351303

westcornwalllettings@millerson.com

Contact Name: Casey-Lee Gordon, Lettings Manager

Website is www.millerson.com

MOULD AND CONDENSATION PROBLEMS—DISCOUNTS

Envirovent

Contact Charlie Bisby

Tel: 0845 2727 807

Email: cbisby@envirovent.com

Solutions to mould and condensation.

20% discount to CRLA members, larger discounts available for large portfolios

Paint—DISCOUNTS

Leyland Paints

The Store can be found on The Treliske Industrial Estate, Truro

Rent Books

Tel: Ruth 01872 554498

Email: crlawp@gmail.com

95p each, plus postage

Safety Log Books—FREE

Tel: Ruth 01872 554498

Email: crlawp@gmail.com

Tax Investigation Insurance Cover- FREE Through Bateman

THIS IS INCLUDED IN YOUR MEMBERSHIP FEE

Policy documentation can be found on the CRLA website in the Members Area under the menu item Information Sheets for Landlords or contact Ruth Clarke for assistance

Tenant Referencing—ASSISTANCE

Contact Ruth Clarke

Tel: 01872 554498 (mobile 07984 250129)

Email: ruthclarkemail@aol.com

TRAGO Stores—DISCOUNTS

Remember to use your Trago2Business Card whenever you visit a Trago store for 15% discounts on most items.

If you do not have a Trago2Business card please email sales@trago2business.co.uk or 'phone 01579 321331 stating your name and CRLA membership number.

YOGA—DISCOUNTS

The Yoga Hut, Berkeley Vale, Falmouth.

Tel: 07769 803806

email: yogahut@btinternet.com

FORTHCOMING CRLA MEETING DATES

Venue for all meetings:

Trelawney Room

New County Hall

Truro

4:30 for 5pm start

Tuesday 5 September 2018

Speaker:

- Nick Stormont from Qubic Tax

This will be followed by the CRLA AGM

Tuesday 7 November 20178

Speakers:

- Team from Coodes giving a Legal Update and Answering your questions.

Meetings in 2019 will be held in January, March, May, July, September and November

Final Dates and Speakers for 2019 are currently being confirmed