

PRIVATE TENANT

Time running out to license shared houses

The application deadline for compulsory licensing of qualifying Houses in Multiple Occupation runs out on 6th July.

This has given landlords three months from its inception in April to get their act together to ensure they are meeting the new basic standards in their HMO properties. If a landlord fails to apply they leave themselves open to a possible £20,000 fine.

The broad definition of an HMO is a property where people live, which is:

- At least 3 storeys
- With 5 or more occupiers
- Using it as their main or only residence
- Not all living together in a single household.

Unfortunately, too many properties are still excluded. But this legislation is a major step in the right direction, and it will cover a lot of shared accommodation, including students' (but University, college or hospital provided digs are excepted).

There is provision for additional licensing, i.e., where it is not compulsory to do so. This is at the discretion of the Local Authority and is more likely to be used in areas of low demand or where standards are generally very poor. Camden would have to put forward a good case for further licensing but have indicated that any additional scheme would be a long way off and no plans have as yet been made in this direction. A period of up to three years is also provided for the transition from existing HMO registration schemes

giving a period of grace to those already in the system.

Needless to say, the new legislation is hardly straightforward. So if you think your home may be a HMO which should be licensed, then you should contact Camden's HMO Licensing Team on 020 7974 1268 or see www.camden.gov.uk/hmolicensing

Why do tenants need to know about this?

- if a property should be licensed, but isn't, the landlord would not be granted a possession order of an assured shorthold tenancy (even if the contractual term is up with proper notice served)
- in addition, the landlord may have to repay rent to you (or the housing benefit department if applicable). An application has to be made to the Residential Property Tribunal for a Rent Repayment Order. If you think this applies to you – contact Camden Housing Advice Service on 020 7974 5588
- if the property you are in should be licensed, but is not, the landlord can be fined up to £20,000
- if the landlord allows more people to live in the property than it is licensed for they can be also be fined
- licensing sets out certain basic standards of accommodation

What does Licensing involve?

When a landlord applies for a licence for a property the council has to consider amongst other things:

- whether the landlord (and any agent they have) is a 'fit and proper person'. They should take into account whether they have any criminal convictions, or have been guilty of racial discrimination in letting properties, or of harassing or illegally evicting tenants
- the maximum number of people who can be reasonably accommodated – up to 5 sharing a kitchen which must be at least 6sqm (or 20sq feet for those metrically challenged!)
- minimum room size requirements – this includes a ceiling no lower than 2.4m
- whether the management arrangements are satisfactory – this will include the arrangements for repairs and maintenance, the adequacy of fire precautions, provision of emergency 24 hour contact numbers, and
- whether the financial arrangements are satisfactory, e.g., whether there would be money for repairs

Licenses can be issued with conditions if appropriate. These can be granted for up to 5 years, but normally a condition will give a certain (shorter) period of time to put things right.

If a licence on an HMO property is refused, tenants don't have to leave, but if it can't be sorted out very quickly the council must serve an "Interim Management Order" and take over the duty to manage the

Camden Federation of Private Tenants is registered under the Industrial and Provident Societies Act as The Camden Federation for Private Tenants Limited
Registered No: 25086R

house properly for up to 12 months. If the property is not licensed by then, a "Final Management Order" has to be served to make sure that the house is properly managed in the long term. Councils can delegate their duties in this respect to housing associations or even a regulated commercial agent.

There are also certain duties on the occupiers (tenants) to act reasonably, e.g.:

- not to hinder or frustrate the landlord/manager in carrying out their duties
- allowing them access where reasonable notice (of at least 24 hours) has been given
- provide the landlord/manager with information they may reasonably require to carry out their duties
- dispose of rubbish properly
- not block means of escape from fire, etc.

This is an important improvement in the law, meant to help ensure that homes are run to a decent minimum standard so you should check whether it would benefit you.

Camden is currently working on a new approved document on HMO standards – which also changed on 6th April 2006 and is known as the Housing Health and Safety Rating System (HHSRS) and covers all residential accommodation including HMOs. We hope to do an article on this in the near future.

**Wilma Morrison and Ginny Halley –
Central London Law Centre**

(Thanks to Jacky Peacock of Brent Private Tenants Rights)

**If you would like a copy of
HMO Minimum Standards
under the Housing Act 2004,
please contact the CFPT
office – details on back page**



CFPT staff and members, pictured outside Westminster, joined other Access to Justice Alliance members in a recent mass lobby of parliament against the decimation of legal advice services

Property in London

– an overview

Availability and affordability of decent accommodation is a major problem for many Londoners. In fact, in a recent survey by the Places for People Housing Association housing was a greater concern to constituents than crime, health, immigration and education. Buying a home in London is often out of reach for many people, and property prices continue to rise, with London experiencing the greatest increase of anywhere in the country. Renting is not much better. Rental prices in the capital have been rising at the fastest pace for five years and have also risen faster than anywhere else in the UK. Many people are now asking what is being done to make it possible for ordinary people to be able to afford to live in London?

The Mayor of London has published new figures which track the 'living wage' (an hourly wage that will cover the cost of living and keep a person out of poverty), which has risen to £7.05 an hour, or £9 if no benefits are available to the individual. However, with the national minimum wage at £5.05 per hour, many people in London are earning less than the living wage and are forced to live in sub-standard accommodation. Overcrowding is a problem, particularly amongst groups of lower income immigrants who can pay less rent by packing in extra tenants, but also for big families as there is dire lack of larger style social housing. Shelter is calling for the archaic Victorian definitions of overcrowding to be reviewed – a very worthy campaign, but one which would result in putting even greater strains on the housing market.

For those who want to switch from renting to buying in London options can be limited. Some mortgage lenders now provide options for buyers to use their parent's home value to support their income, simply to be able to

borrow enough to buy a home. Of course it's not everyone who has parents who are willing or able to help out in this way.

An increasing number of young professionals are having to resort to buying their first homes with strangers as prices in the capital continue to soar beyond the reach of an individual income. Services such as www.sharedspaces.co.uk offer a means of finding people with similar property interests who are willing to split the cost to allow them to get onto the property ladder. People pursuing such a scheme are strongly advised to carry out police and credit checks on any potential partners, and obtain references before entering an agreement.

There are concerns that new housing developments – particularly high rise high density ones – are not taking into account important environmental considerations that will affect, amongst other areas, the water supply and availability of green spaces for residents. The House of Lords' Science and Technology Committee recently criticised government plans for housing in the south east of England for its lack of understanding of the impact of new buildings on water supply. However, environmental issues are starting to be addressed in new developments, such as the Millennium Village in Greenwich, and the Thames Gateway development which it is hoped will be carbon neutral. Also there is increasing use of 'brownfield' sites (disused industrial land) and only three percent of new housing in 2005 was built on greenbelt land.

With the prediction that the number of households will increase by more than 2m over the next 10 years, housing provision and affordability problems look set to stay with us for some time without radical new build.

Thanks to Megan Palmer

Penalties on housing benefits

New government proposals have been published which plan to make cuts to tenants' housing benefit if they refuse to use support services after being evicted from their homes due to anti-social behaviour. The plan is part of the government's Respect action plan, and will cut ten percent of a families' housing benefit if they do not use the support services. If they are still not using the services after four weeks, this will go up to twenty percent. If the family totally refuses to cooperate all benefit may be withdrawn.

Squatters reclaim historic building

A former drama school in Kentish town has been the scene of its own drama as squatters moved in to protect the historic building from being turned into a private art gallery. The squatters argue that the building should be available for the whole community, and plan to use the venue for staging free arts events, depending on donations from visitors. A spokesperson for the current owners states that the gallery will be free to all Camden residents and will provide an artistic centre for the community.

New row over Kings X

Local resident and writer Gillian Tindall has called for housing plans to be abandoned that will attract 'tarts, drug addicts and drunks'. The planned development in Kings Cross will turn the early Victorian period Culross and Northern Stanley buildings into a

'Regent's Street-style' boulevard, with cafes and bars lining the street. Tindall argues that the proximity to the train lines will deter all but the less desirable patrons, and that the nineteenth century buildings should be preserved. English Heritage has viewed the proposals and accepts the demolitions due to the expected benefits to the local community.

Proposed changes to rental contracts

The old and complicated regulations governing private and social renting may soon be scrapped and replaced with just two types of rental agreements. There are currently 22 different types of tenancy agreement, many of which are old fashioned and rarely used. The Law Commission has published Renting Homes: The Final Report and Draft Bill calling for these to be abandoned and replaced with two types of agreement: one 'secure contract' for social housing tenants, and one 'standard contract' for private tenants. The aim of the proposed changes is to make rental contracts more straightforward and to clean away the complicated and often unnecessary more antiquated rules. Disappointingly, the report still holds to the Law Commission's original argument to get rid of the minimum six-month security offered by existing assured shorthold tenancies, and still provides for the potential future inclusion of Rent Act tenancies within the new regulations: both issues which CFPT argued strongly against. For a copy of the Law Commission's Summary Report CFPT have a limited number to give away – see our contact details on back page.

Did you know?

CFPT has a wide range of information leaflets on all issues relevant to private tenants and private leaseholders.

If you would like any of the following free information leaflets, please contact our offices (details on back pg) and we will send you the information free of charge:

- Assured and Assured Shorthold Tenancies
- Regulated Tenancies
- Repairs – a guide for landlords and tenants
- Unfair tenancy terms – don't get caught out
- Notice that you must leave – a brief guide for landlords and tenants
- Bothered by Noise – There's no need to suffer
- My Landlord Wants Me Out – protection against harassment and illegal eviction
- Right of first refusal – for long leaseholders and other tenants in privately owned flats
- Residential Long leaseholders – A guide to your rights and responsibilities
- Home repair assistance
- A Practical Guide For Protecting & Maintaining Your Home (Age Concern)
- Dealing With Your Debts (Rent)
- DIY Home Energy Check
- Have a warmer, healthier home – grants from the Government's Home Energy Efficiency Scheme

And many more from making a small claim to County Court Fees.

Or why not visit our resource library.

Contact us today for details.

CFPT will be hosting a public meeting for private tenants on

HMO Licensing – what does it mean for tenants?

Invited speakers:

Darren Wilsher and Andrew Woolmer of Camden's HMO Licensing Team and Cllr Chris Naylor, Executive Member for Housing

23rd August 2006 @ 6pm

At CFPT's offices: 11-17 The Marr, Camden St, NW1 (next to The Camden Pub)
Refreshments provided – call for more details or to attend 020 7383 0151

Federación de Arrendatarios Privados en Camden (CFPT)

CFPT esta dirigida para y por arrendatarios privados. Trabajamos en todos los aspectos relacionados con inquilinos tanto local como nacionalmente. Tenemos relaciones laborales cercanas con otros grupos como Shelter y hemos trabajado con Departamentos gubernamentales en numerosos temas. Si te interesa contacta con nosotros. Si estás interesado en ver otros

temas relacionados, por favor háznoslo saber. Cartas, preguntas, comentarios y sugerencias son bienvenidas. Puedes hacerte miembro o suscribirte. Te pondremos en nuestra lista de correos y recibirás notificación de reuniones, talleres, eventos, reportajes especiales, así como nuestro boletín informativo por £10.00 al año.

También necesitamos voluntarios para trabajar en el boletín,

contribuyendo a la política de trabajo y consultas, atendiendo ocasionalmente casos legales y representándonos con otras organizaciones y comités.

Por favor contáctenos:

**11-17 The Marr,
Camden Street,
London NW1 0HE
Tel: 020 7383 0151
Email: camfpt@lineone.net**

Camden Federation of Private Tenants

needs you

CFPT is run for and by private tenants. We work on all aspects of tenant issues, providing information and resources, lobbying Government and campaigning on issues both locally and nationally.

We have close working links with other groups such as Shelter and have worked with Government Departments on a number of issues.

If you are interested in becoming involved, please contact us. If you would like to see other topics covered, please let us know.

We welcome letters, questions, comments and suggestions. You can become a member or a subscriber. This will put you on our mailing list

and you will receive notice of any meetings, workshops, events, special reports, etc., as well as our newsletter for £10.00 per year.

We also need volunteers to work on the newsletter, contributing to policy work and consultations, attending occasional court cases, and representing us with other organisations and committees.

Please contact us at:

11-17 The Marr,
Camden Street, London NW1 0HE

Tel: 020 7383 0151
e-mail: camfpt@lineone.net

This Mark means that we offer a Quality Assured Information Service.

**Community
Legal Service**



Why not become a member of CFPT?

As a member of CFPT you will be kept informed on current housing issues, legislation and campaigns. You will receive our quarterly newsletter to your door, as well as invitations to meetings and notice of relevant consultations. Your membership will also add valuable support to the Fed.

Name _____

Address _____

Tel no. _____

Email _____

1 I enclose £1 for membership plus £9.00 subscription fee*

2 I would like to donate £ _____ **3** Total enclosed _____

Signature _____ Date _____

**We can waive the application fee in cases of hardship, please contact the office in complete confidence.*

Please fill in your details and send with payment to:

Camden Federation of Private Tenants
FREEPOST LON12470
London
NW1 2YW

I am an/a: (please tick)

Regulated Tenant

Assured Tenant

Assured Shorthold Tenant

Other