

## Appendix 5 Feedback responses

Respondent	Comments
Landlord	<p>I am very disappointed to read that Hull CC intends to tear up all the hard work that has been put into working together with the PRS over the past 20 years. The self-regulation scheme works well. Why would you want to throw it all away by going straight to notice? Why have you suddenly decided to declare War on the PRS? The reason, retaliatory eviction, will not stand up to any scrutiny and is wholly baseless. I am at loss to explain the full reversal of tried and tested informal arrangements. I note that NLC have copied the self-regulatory scheme so we know its works! Your proposals are in direct conflict with ALL government and your own professional guidance concerning fairness proportionality reasonableness and "working together " What all of a sudden has changed to warrant a full reversal of tried and tested polices? You know its accepted case law that you cannot use fees to raise money and I am very concerned that your action might end up in the High Court's re judicial review and human rights. I would suggest, as I have for decades, that you incorporate your accreditation scheme into the HLA scheme and continue with the existing self-regulatory arrangements for members. Anyone found to have evicted a tenant because of a referral to your good selves should be thrown of the scheme</p>
Letting agent	<p>We look forward to a fixed date to start (licensing). Please where possible exhale on the bad landlords. Clarification on Accreditation of adding Landlords and to the licensing system going to be the same.</p>
Letting agent	<p>For our organisation, the current informal system works well. Hull CC informs us of an issue, we respond to it and the matter is resolved. The current practice facilitates a relationship between the council and our organisation. There may be a danger of alienating Landlords should Statutory Notices be immediately issued, when in fact a letter, requesting an issue be attended to, would suffice. Reason for Change: Protection for tenants against being served notice by landlord Our organisation provides temporary supported accommodation. As you can imagine, some of our tenants have chaotic lifestyles and often breach the tenancy agreement. We generally use Section 21 Notices which allow us to attempt to find alternative accommodation for our tenants. However, it would appear from the above proposed changes, issuing these may not be possible. Would this protection also apply to Section 8 Notices? If we were only able to use Section 8 Notices, it would incur higher costs in professional fees. If the protection you are proposing includes all Notices then what options would be open to us to end a tenancy of a tenant who was displaying Antic Social Behaviour, which as a Landlord, we duty bound to deal with.</p>
Landlord	<p>Do not agree changes are required as how can we be responsible for a repair issues if the tenants do not report them first. City has 1000's of empty properties in the hull last thing landlord want to do is evict tenants so using retaliatory Evictions is not a reason as re-letting empty properties cost more than doing repairs.</p>
Landlord	<p>Each bedroom requires as sink to be installed? This is not feasible because of the reasons I will list.</p> <ol style="list-style-type: none"> <li>1. Health and Safety Legionella grows in pip work not regular used ideal location is a warm house</li> <li>2. The older buildings especially do not have the structure to accommodate long length of water pipes and hot and cold pipes.</li> <li>3. All of our properties have the waste water drains out of the back of the home. Meaning that a long length of waste pipe would be needed.</li> </ol>

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Landlord	<p><b><u>Concise View</u></b> Any council can serve a formal notice straight away, however they can only generally charge for the administration part of the notice; and, only if it contains a category 1 hazard; and, only where the hazard was reasonably foreseeable by property owner.</p> <p><b>Consequences of implementing formal action</b></p> <ol style="list-style-type: none"> <li>1. Landlords will not be able to sell or refinance their property</li> <li>2. Landlords will not be able to evict their tenants under S.21</li> <li>3. Landlord – Tenant relationship is less likely to recover</li> <li>4. Landlord – Council relationship is less likely to recover</li> <li>5. Number of appeals over the legitimacy of the repairs will increase</li> <li>6. Number of appeals over the enforcement costs will increase</li> <li>7. Tenants may abuse their power over Landlords</li> <li>8. More revenue will be generated for the taxpayer for the landlords</li> <li>9. Enforcement officers may have a monetary incentive to serve more notices.</li> </ol>
Letting agent	<p>Following the drop-in information session on Wednesday 21 February 2018 at the Guildhall (Hull), we make the following observations: There was very little information available at this session other than the cost of a Licence for HMO properties. Indeed, it was the opinion of most of those present that this was no more than a box ticking exercise, particularly as comments need to be submitted by 16 March 2018, and the council are due to consider these issues in April 2018. It seems that the council are moving from what has been an informal strategy to one in which a more formal approach is to be used which involves using the powers granted under the Housing Act 2004. The Local Authority intend to use the Housing Health and Safety Rating System (HHSRS), along with the Deregulation Act 2015 as a strategy to improve private housing and to give tenants added security of tenure. The Government has provided Local Authorities with guidance on the implementation and operation of the above under section 9 of the Housing Act 2004, and they are required to have regard to it in exercising their duties and powers under part 1 of the Act. I list below some of the contents of this guidance, which I believe both Landlords and Agents should be familiar with and Local Authorities should take into account when exercising their duties and powers.</p> <p>2.8 Local authorities should prioritise inspections in accordance with their wider housing strategy and the individual cases before them. Priority may be given to complaints and referrals from statutory bodies including local councillors.</p> <p>2.10 The guidance states that funding to tackle fuel poverty and energy efficiency strategies is available from various sources including Local Authorities.</p> <p>2.17 Local Authorities are encouraged to adopt the enforcement concordat which provides a basis for fair, practical and consistent enforcement. It is based on the principle that anyone likely to be subject to formal enforcement action should receive a clear explanation of</p>

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what they need to do to comply and have the opportunity to resolve difficulties before formal action is taken.

2.18 Refers to a situation, whereby, a landlord agrees to take appropriate action within an agreed timescale. In this situation, it may be more appropriate to serve a hazard awareness notice.

2.20 Accreditation Schemes or Housing Forums are a useful means of working informally with private landlords. A number of Local Authorities have already begun to develop closer working relationships with individual private landlords through such arrangements. This enables Authorities to provide support to landlords and to raise standards of management and property conditions. Landlords will also benefit from better access to information on their obligations in relation to tenants and can receive help in dealing with problems which can arise with tenants and properties.

2.21 The decent homes standard.

No cat 1 hazards – A reasonable state of repair – Reasonably modern facilities – Reasonable thermal comfort.

3.5 Action to remove a hazard is based on a 3-stage consideration

(a) The hazard score under the HHSRS

(b) Whether the Authority has a duty or discretion to act

(c) The Authorities judgement as to the most appropriate means of dealing with the hazard, taking account of both the actual and potential vulnerable occupant

4 Action following hazard assessment

Authorities must take appropriate action in relation to cat 1 hazards.

The main courses of action are:

(a) Hazard Awareness Notice

(b) Improvement Notice

(c) Prohibition Notice

4.7 Reasons for decisions.

Authorities must prepare a statement of the reasons for their decisions and provide a copy of that statement to accompany the notice, and copies of orders which they are required to serve under part 1 and relevant provision of the 1985 Act.

There is no requirement for Authorities to provide a copy of their inspection report with the statement, but there is nothing to prevent them from doing so if they consider it would be helpful.

4.9 Assessment of hazards under HHSRS is based on the risk to potential occupants who are most vulnerable to the hazard, however, judgement must be made to take into account the current occupants

4.14 Early consultation on the HHSRS regime suggest a majority of Authorities consider the regime should be tenure neutral and

Authorities should not take action in tenanted properties when it would not take similar action in owner occupied properties in similar

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circumstances.

4.14 Authorities should consider, alongside the vulnerability of the occupant, the risk of exclusion of vulnerable groups of people from the private rented sector.

Authorities should weigh the evidence of the HHSRS assessment against the benefit of the retention of the accommodation in which vulnerable people might be housed.

WE have now been trading for 25 years, during which time our business has grown to become one of the main Agents in the area.

We are members of the National Approved Letting Scheme, Safe Agents and the Property Ombudsman Scheme.

We have always tried to work with the Local Authority and have valued the work, support and the contribution of the local Environmental Health department.

As a previous Chairperson of the local Landlord's Association, I am aware of the very different views some Landlords have of the Local Authority and their reasons for those views. It is clear from the Government Guidance Document that the Government do not think conflict between the Local Authority and the Private Rented Sector is the best way to improve the housing stock within the city. The Guidance suggests that Landlords who actively cooperate with the Authority do not require anything more than a hazard awareness notice.

As a Landlord and Agent, we cannot support any action designed purely to protect a tenant's security of tenure under the Deregulation Act 2015. Where a notice is required for whatever reason then of course the Deregulation Act protects the tenant from receiving a section 21 for 6 months, but the notice must not be served with the intention of protecting a tenant, where the landlord is cooperating in carrying out necessary works. We require full discussion on the HHSRS. As you are aware, many Environmental Health Practitioners have questioned aspects and the implementation of this HHSRS model.

It is also based on statistical information which is not regularly updated, and it has been noted that the practical operation of the HHSRS can vary greatly between different Practitioners.

It is clear, that the older, lower value properties within the City are more vulnerable to a higher HHSRS score and, therefore, potential action.

The Government has recognised this and the potential for landlords to withdraw their properties to certain more vulnerable groups.

One only has to look at the impact the housing benefit regulations had on many landlords refusing to accept prospective tenants on benefits.

The Guidance also makes reference to how the Local Authority should work with the Private Rented Sector.

In our 25 years in the business I have never known a situation whereby the Authority has so little communication with Agents and Landlords.

Our proposal is that we reinstate what was the Housing Focus Group, on which representatives from the private housing sector meet with the relevant councillors and other stakeholders on a quarterly basis. The Guidance also refers to the help the Authority can give to landlords, in areas of energy efficiency, including the sourcing of funding for such works. This focus group can bring all of these stakeholders together.

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We have not yet had sight of any proposed fees other than mandatory licencing, and it is to be hoped we can meet to discuss any proposals before they are implemented. We are aware that many council properties will also be subjects to potential HHSRS.

If, as has been suggested, the higher risk properties are more likely to receive EHO visits, then I presume this will include all high-rise flats also. The Guidance also states that public figures such as councillors may also request that properties are inspected. In view of this and the potential conflict of interest, we would like to know if any councillor or officer of the council involved in any housing function has any financial interest in rented property within the city. This includes anyone employed by any organisation who rents property either in the private or public sector, or anyone who has a property they rent out.

With regards to HMO's and bedroom sizes, again we would like a full discussion prior to any action. We are aware that notices can be appealed using the property tribunals, but we feel it would be much better to resolve issues at the outset. WE do not operate a practise of giving notice to tenants who complain, however, there will be times, although rare, when a relationship breaks down and a tenant is given notice if it is the wish of the landlord.

It must be noted that the issuing of a section 21 is also a part of the supposed fast track possession procedure used by landlords for repossessing their property for a variety of reasons, including for non-payment of rent, where the landlord is of the opinion that the section 8 route is not worth the expense as recovering arrears from tenants in certain circumstances is futile.

We have noted for many years how the Homeless section of the Authority actively encourages tenants not to leave their properties until the bailiffs are due to attend. This has the effect of landlords losing significant income and incurring additional cost. Again, this is a disincentive for landlords to take people on lower incomes or on benefits, thereby, reducing the choice of accommodation for these people.

WE provide a service not only to our own landlords as Agent's but also for other landlords and Agents wishing to acquire our services for the following:

- Inventories
- Checkout reports
- Inspections
- Legionella reports
- Risk Assessments
- Void Property Inspections
- Repairs and Maintenance

All of our relevant staff have received training to be able to engage with vulnerable people. We take our responsibilities very seriously and we look forward to constructive and regular dialogue with the Authority. We also make the point that our type of business contributes a huge amount to the local economy. When you consider the number of staff and local businesses and contractors that work within the letting industry, and the importance of the industry to society in general, then I believe the Local Authority must change it's attitude and current

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	practices to create a more harmonious relationship between all concerned.
Landlord	<p>My husband, owns 4 properties in Hull that he rents to Hull residents using management services, and I deal with all the communications etc. We understand from our agent that Hull City Council are proposing some changes regarding enforcement for the private rented sector which will include the removal of the current informal stage when a tenant reports a housing repair issue to yourselves to protect tenants against being served a notice by their landlord (i.e. a 'revenge eviction') for 6 months.</p> <p>We understand that our agents have been invited to an Information Briefing on the proposed enforcement changes by Hull City Council later this month. We look forward to receiving more information following the Information Briefing, and very much hope that there then will be an adequate consultation process and period for landlords to consider the proposed changes and to submit their views.</p> <p>Based on the information we have on these changes so far, our initial thoughts, which will no doubt be shared by other good landlords and letting agents, are to wonder why Hull City Council are not using their limited capacity and resources to target bad landlords, many of whom are probably no doubt already known to yourselves.</p> <p>The proposed changes appear to be of a 'scattergun nature' and potentially risk good landlords not want to come to/stay in Hull, which will have an impact on good quality private rented sector housing options for the residents of Hull.</p> <p>A 'scattergun' approach also risks this initiative costing more than the funds raised in charges if the Council finds itself dealing with a high level of appeals from good landlords.</p> <p>We hope very much that the forthcoming Information Briefing with agent (and presumably other letting agents in the City) results in a rethink on the proposed changes that see a targeted focus on bad landlords, and much needed protection of tenants from them. Such an approach would no doubt have the full backing of good and responsible landlords and letting agents like ourselves and managing agent</p> <p>If the costs are to be on a full cost recovery basis, the costs may prove prohibitive to small landlords such as my husband, even though we would be fully supportive in principle of an accreditation scheme for landlords as one of a variety of means to minimise the activities of bad landlords in Hull.</p> <p>Can I suggest that when looking at what to charge landlords for being accredited, rather than taking a one size fits all approach, Hull City Council introduces a scaled/banded fee structure based on the number of properties a landlord owns in the City so for example, a landlord owning 1 - 5 properties would be on the lowest band, 5 to 10 a higher band, 20 to 50 a higher band and so on.</p>
Humber Landlords Association	<p>Policy is not in accordance with the Regulators Code</p> <p>The service of statutory notice on every occasion as a matter of policy is unlawful (because it permits no exception) and is wholly disproportionate.</p> <p>Legal response received.</p>