

Advice for Private Landlords and Letting Agents

Development and Regeneration Services (Housing and Regeneration Division)

Glasgow City Council works with landlords, agents and tenants to encourage responsible renting, promote a positive image of private renting and supporting the good practice already going on in the city.

We can give you guidance on the standards for private rented housing, advice on how to go about letting a property and what to do if you have problems. We have a range of powers we can use to ensure people and properties are safe and well managed and tenants are free from harassment and nuisance.

We give help and advice to private landlords to make sure that you can let your properties successfully. If you're thinking about renting out a property, we can explain exactly what's involved, and tell you about your rights and responsibilities, as well as the rights and responsibilities your tenants will have.

Glasgow City Council is providing a periodic on-line newsletter to help keep you up to date with the latest information.

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Local Housing Allowance (LHA)

LHA 1% Cap from April 2014

In the 2012 Autumn Statement, the Chancellor announced that in 2014 and 2015, the uprating of LHA rates will be in line with the 1 per cent increase for the majority of working-age benefits. This means LHA rates for April 2014 will be set at the lower of the 30th percentile of local rents or the April 2013 rate increased by 1 per cent, and the same approach will follow for April 2015.

Scottish Welfare Fund (SWF)

Scottish Welfare Fund is an interim scheme set up by the Scottish Government and is expected to run until 2015.

SWF provides two types of grant:

- Crisis grants to provide a safety net in a disaster or emergency when there is an immediate threat to health and safety
- Community care grants to enable independent living or continued independent living, preventing the need for institutional care

In October 2013 Scottish Government withdrew the benefit criteria for applicants applying for a community care grant

To date we have awarded 73% community care grants.

We would encourage landlords to make applicants aware of this fund as SWF is a discretionary scheme and provides grants that do not need to be paid back

Scottish Welfare Fund Contact Details are: **Telephone:** 0141 276 1177 **Post:** Glasgow City Council
PO Box 26816 G2 9AF
Online: www.glasgow.gov.uk

Discretionary Housing Payment (DHP)

There has been an increase in the number of applications received to date, over 9,000 awards have been made.

Scottish Government has allocated £20 million additional funding to Local Authorities for this financial year to be used to "top up" DHP. Glasgow has received an additional £3.5 million.

We are currently carrying out DHP take up activity. The intention is to look at those cases most in need of additional financial support to pay their housing costs. As well as targeting those with particular circumstances which make it difficult to move. We are considering extending other claims beyond the initial short term award.

This take-up will include direct mailing to Housing Benefit claimants and provision of lists of potential applicants to RSLs.

DHP is intended to assist those who require further financial assistance in order to meet housing costs. Tenants affected by earlier welfare reform including changes to the LHA rates can still apply. There have been fewer than expected numbers of applications from private tenants this year and DHP might help where the rent charge is higher than the LHA. For example, the single room rate will apply to single people under 35 years regardless of what type of property they rent.

Tenants should provide evidence to support the DHP application.

Customers can download a DHP form www.glasgow.gov.uk/ben or can apply by phone 0141 287 5050 or contact any local Council Tax and Housing Benefit Office.

Gas Safety and other Legal Responsibilities

The landlord must have any gas appliances checked annually by a Gas Safe registered engineer. The Landlord must provide tenants with a record of the check within 28 days or to a new tenant before they move in and keep the records of each safety inspection for the current year and previous 2 years..

The Landlord must ensure the property has satisfactory provision for detecting fires and for giving warning in the event of fire or suspected fire. Although it is best practice to install mains powered smoke alarms, an existing smoke alarm may be mains powered or battery powered. However, a smoke alarm installed after 3 September 2007 must be mains powered. This includes replacement alarms.

The Landlord must ensure that all tenants who rent a property on or after 4 January 2009 are provided with a valid Energy Performance Certificate. Further details can be obtained from [Building Standards & Energy Performance](#).

The Landlord has a duty to ensure the property meets the repairing standard at the start of the tenancy or earlier and throughout the duration of tenancy. Comprehensive information on the Repairing Standard is included in 'Repairing Standard: An advice pack for Private Landlords'. In addition, the Landlord must tell the tenant about the effect of the Repairing Standard and Private Rented Housing Panel arrangements on the tenancy. A landlord will be able to do this by completing and providing the tenant with the standard letter contained in the advice pack.

[Physical Standards](#)

[Repairing Standard Advice Pack For Landlords](#)

As landlords operating within the Private Rented Sector in Scotland there is no doubt that the last few years have been challenging with regard to legislation. It can also be a challenge to landlords to know how to implement the changes required which come along with new legislation. Landlord Accreditation Scotland (LAS) work in partnership with Glasgow City Council to bring a practical approach to keeping up to date with what you as a landlord need to know.

LAS promote best practice throughout the private rented sector in all aspects of tenancy and property management. We do this through the provision of a series of training and information events which run throughout Scotland. LAS have been running training and information events now since 2008, providing hundreds of sessions all over the country.

Many landlords who have been letting property for a number of years in Scotland seek advice on the day to day practicalities of property management only when faced with a particular situation. This is often not an ideal situation as you are then facing time constraints which can often lead to further problems. The schedule of training events run by LAS is designed to give those landlords the opportunity to refresh their knowledge and keep up to date with any changes in legislation and hear about how best practice can in fact save time which, as we all know, saves money. To see the range of courses available please visit the LAS website: www.landlordaccreditationscotland.com

The course costs are kept as low as possible to ensure that they are affordable. In comparison to courses run elsewhere in the UK they offer excellent value.

By attending LAS courses new landlords have a way of checking that they have all the correct information in place, are using the correct paperwork and operating as they should. The courses offer practical advice on all aspects of day to day management of rental properties based on the Scottish Core Standards for Accredited Landlords & Letting Agents.

The next course in Glasgow is as follows:

18th February 2014

Creating Inventories & Adjudication

A well written, concise inventory is essential for any landlord who wishes to avoid lengthy disputes at the end of a tenancy over property condition and return of deposits. It is also essential in aiding all landlords of private rented accommodation to comply with the Repairing Standard 2007.

With the introduction of Tenancy Deposit Schemes to Scotland a detailed inventory is of the utmost importance in supporting a landlord in any dispute with a tenant regarding the return of a deposit that may arise. With this in mind, the course includes a presentation from an adjudicator from SafeDeposits Scotland, detailing the process of disputes through the eyes of the adjudicator.

Attendance at the course will provide you with a framework for preparation of a relevant inventory document and guidance on using that document at your final inspection.

Course Topics:

- **Inventory Preparation & Writing**
- **Routine Visits/Inspections**
- **Tenancy deposit scheme evaluation process**

Booking will open for this course approximately 6 weeks prior to the course date. If you would like to receive notification of when you can book for this course and future courses throughout 2014, or if you would like to discuss the training with a LAS staff member,

please call LAS on 0131 553 2211
or
email: info@landlordaccreditationscotland.com.

Venue:

**Recital Room,
City Halls,
Candleriggs Glasgow
G1 1NQ**

Time:

1.30pm – 4.30pm

Cost per delegate:

LAS Accredited Landlords:	£54 incl VAT
Non-accredited Landlords:	£66 incl VAT
SAL/Scottish Land & Estates	£45 incl VAT*
Members:	

Further courses will be advertised throughout 2014.

Private Landlord Registration (PLRU)

The PLRU has responsibility for ensuring that landlords and their properties are registered where appropriate and that recommendations are made in respect of applications which are received. In making recommendations regard is given to relevant criminal convictions, breaches of the law relating to housing, complaints regarding bad management practice and poor property conditions as well as other matters. Most applications are recommended for approval following initial scrutiny.

At this time there are over 35,600 landlords registered in Glasgow and they own and let over 47,500 properties in the City.

Enforcement action is taken where landlords fail to register, or renew their application for registration. This has resulted in many landlords being charged a late application fee (£110) and issued with rent penalty notices which prevent them from obtaining rent on their properties. The PLRU also continue to challenge poor practice and character which has resulted in a number of landlords being refused registration or removed from the register.

These steps have been taken to support the vast majority of landlords who meet their legal responsibilities and are of good character, by removing the worst landlords from the market.

Many landlords have now come to the point that their application is due for renewal and we write to all landlords and agents before their application has expired, reminding them of the need to renew. It has been found that many applicants have moved address during the period of their registration and some have not updated their contact details. This can lead to additional fees being charged and rent penalty notices being issued where the application is allowed to expire.

It is therefore important that you check that the details we hold in respect of you application are up to date to ensure that you receive communication from us and reduce the risk of any penalty.

Houses in Multiple Occupation (HMO).

There are currently around 3,000 houses in Glasgow which are licensed as HMOs or have an application pending.

The Project Officers who make up the HMO Team have responsibility for ensuring that applications for an HMO Licence are submitted where this is required. The team also has responsibility for ensuring, through inspection, that the property meets minimum legal requirements and that management standards do so also.

The role of these officers is critical to ensuring the safety and welfare of tenants who reside in this type of accommodation. Landlords or agents who act whilst unlicensed may be prosecuted, and can be fined up to £50,000 upon summary conviction.

In the last year there have been a number of reports submitted to the Procurator Fiscal by the HMO Team. This work will continue and other enforcement powers, to suspend rent payments by the tenants, will also be used in the future where houses are found not to be licensed.

It is important to note that whilst the HMO Licensing Regime and Landlord Registration are now part of the Housing Intervention and Support Team (HIST) there is a responsibility placed on landlords to ensure that records held in respect of both regimes are kept up to date. Further advice on this can be obtained by contacting our team.

Housing Intervention and Support Team (HIST)

Recent changes to structures within Development and Regeneration Services has seen the merging of the Private Landlord Registration Unit, The HMO Team and staff dedicated to working in the Govanhill area.

These changes were made to allow better integration of services and to ensure that we maintain and improve our responses to enquiries and complaints.

This new team can provide advice on landlord registration and HMO standards and can respond to complaints of antisocial behaviour and also environmental concerns in the Govanhill area.

Our contact details are:

Housing Intervention & Support Team
Development & Regeneration Services
231 George Street
GLASGOW, G1 1RX.

Freephone (UK): 0800 027 0414
International: 0044 141 276 7583

Email: privatelandlordregistrationunit@glasgow.gov.uk
Registration Website: www.landlordregistrationscotland.gov.uk

Landlord, HMO Licensee and Letting Agent Forums.

Our previous Newsletter indicated we were considering introducing forums for landlords and letting agents. These forums would be generally be used to communicate good practice and offer advice on meeting current and future legal obligations. Ongoing consideration is being given to hosting 3 forums at the outset and these are in the Cardonald area, Brucefield Park in Easterhouse and Govanhill areas.

If you have an interest in attending these forums, or any other forum which may be developed in future you should contact the HIST Team to advise of your interest, by email at privatelandlordregistrationunit@glasgow.gov.uk

If you own or manage HMO Properties in Glasgow, and agree that a separate forum should be held for those involved with HMO properties you should advise the HIST Team of this when expressing your interest to the email address above.

Landlord Green Appliance Scheme

The Scottish Government is offering private sector landlords up to £500 towards replacing old and inefficient appliances in their rented properties, and up to £150 towards the cost of the property's Green Deal Advice Report.

Further details can be obtained by visiting the Energy Saving Trust website or by telephone 0808 808 2282.



Bulk Refuse Disposal

The inappropriate disposal of bulk items has a direct negative impact on the environment and places a strain on Council services. The effects of this behaviour are most evident in areas where there is a high density of tenement properties, and in some areas can be attributed to the ending of large numbers of tenancies around the same time.

A bulk uplift service is provided by Glasgow City Council and advice and service requests can be made by phone on **0141 287 9700**. As your tenancies near their end it would be worth considering whether this service is required and it would also be appropriate to pass this information to your tenants should they require to dispose of bulk items during, or at the end of their tenancies.

Useful Contact Numbers:-			
Litter	0800 027 7027	Abandoned cars	0141 276 0859
Dog Fouling		Bulk refuse uplift	0141 287 9700
Graffiti		Water mains leakage or bursts	0845 600 8855
Fly posting		Road and Lighting Faults	0800 37 36 35
Illegal dumping		Crimestoppers	0800 555 111



New Draft Legislation Affecting The Private Rented Sector

On 21 November 2013, the Scottish Government released the content of its new Housing (Scotland) Bill. This is set out in a [Policy Memorandum](#).

The bill covers a range of policy matters in all three main housing tenures in Scotland i.e. social rented housing, owner occupation and the private rented sector. This note identifies issues likely to affect private landlords and their tenants.

In summary these are:

- Transfer of jurisdiction for civil cases relating to the private rented sector from the Sheriff Courts to a new First-tier tribunal
- Introduction of a registration system for the identification and regulation of letting agents
- Amendment of local authority powers to enforce repairs and maintenance in private properties (including HMOs and other properties let out privately) through application to the Government to designate Enhanced Enforcement Areas
- The right of local authorities to refer a suspected breach of the Repairing Standard to the Private Rented Housing Panel
- Amendments to the licensing requirements for mobile homes sites which are populated by permanent residents

Summary of the Repairing Standard: the minimum physical standard required by legislation for private rented accommodation.

The property must be wind and water tight and reasonably fit for people to live in

The following elements must be in a reasonable state of repair and in proper working order:

- structure and exterior (including drains, gutters and external pipes)
- installations for supplying water, gas and electricity and for sanitation, space heating and heating water
- any fixtures, fittings and appliances that the landlord provides under the tenancy

Any furnishings that the landlord provides under the tenancy must be capable of being used safely for the purpose for which they are designed

The property must have a satisfactory way of detecting fires and for giving warning in the event of a fire or suspected fire.

Further information can be found at: www.scotland.gov.uk/Topics/Built-Environment

In respect of **Enhanced Enforcement Areas**, local authorities would have the right to apply to Scottish Ministers seeking such powers in a specified geographical area for a specified period.

The proposed powers include

- Mandatory criminal disclosure checks, and
- Powers of entry to and inspection of private rented properties for the purpose of checking that statutory housing standards are being met

Separately, local authorities would, in terms of addressing all older privately owned houses, be enabled to streamline the process for issuing maintenance orders and have an effective means to recover the cost of works from owners of commercial properties.

In regard to **Landlord Registration**, the Bill proposes a time limit on the time taken by the local authority to consider an application for registration, but also gives the local authority power to apply to a Sheriff for an extension of the 12 month period where the circumstances of the request can be justified.

Provisions in the bill for the **regulation of letting agents** include:

- Establishment of a mandatory register of letting agents
- Any letting agent applying to the register being subject to a "fit and proper person" test
- Creation of a statutory Code of Practice

The scheme would be set up and administered directly by the Scottish Government, along the lines of the present management and regulation of property factors.

Glasgow Factoring Commission

The Glasgow Factoring Commission will shortly be reporting reported its findings and recommendations to Glasgow City Council. The Council will consider these findings together with an accompanying Action Plan.

The Commission has reviewed all aspects of common property maintenance and management in the city. Initially, the Commission focussed on the role of property factors, but expanded its remit to review all of the issues associated with ownership and management of flatted property.

Several of Commission's enquiries and findings related specifically to the role which could be played by owner-landlords in ensuring that common building elements are regularly inspected and action taken to avoid deterioration and to affect repair and carry out maintenance plans where this is required.

The Commission found that there were particular problems where communication had broken down between owners within tenement blocks and multi-owner developments. This occasionally resulted in legally contracted or appointed property factors abandoning the factoring contract due to their lack of authority to secure funding in advance for common repair works and running costs for essential services (e.g. lifts maintenance, landlord power supply), a particular problem in more recently built large scale multi owner developments. Property factors gave evidence to the Commission which made it clear that that they can only operate on the collective behalf of all owners in the property.

Where there is no property factor, there is very little control or incentive to carry out these repairs and effect maintenance, and the Commission concluded that every assistance should be given to owners to form their own owner associations and either self factor or appoint a registered property factor.

The Commission took the view that whilst there was some evidence of poor practice by property factors, the recent legislation (The Property Factors (Scotland) Act) passed in 2011 has made property factors more accountable to owners and provided a means of redress through the Homeowner Housing Panel.

Forthcoming legislation (see our related article "New Draft Legislation Affecting the Private Rented Sector") is likely to introduce similar regulation for letting agents. The Factoring Commission took the view that letting agents have an important role to play in ensuring that there is good communication and co-operation between the property factor and all other owners in the close or development, especially where the property owner is an absentee. The Commission strongly supported the notion of landlord accreditation and by implication, the accreditation of letting agents.

The Commission also calls for owner-landlords to take greater responsibility for effecting early common property repair and regular maintenance as well as ensuring that the owner can be contacted in an emergency by the other owners in the block. The Commission made it clear that even when a letting agent is employed by an owner-landlord, the legal responsibility for effecting common repair and maintenance rests with the owner-landlord.

More information on the Factoring Commission can be found at:
www.glasgow.gov.uk



Five things private landlords should know about property factoring in Glasgow

1. Factoring of residential properties in Scotland emerged from the tenement building boom of the late 19th and early 20th Centuries, and was especially significant in Glasgow, where landlords built and owned whole tenements

- The factor was the landlord's agent with authority to collect rents and manage tenancies.
- The numbers of private rented properties in Glasgow fell dramatically from the middle of the 20th century with much of the original tenement stock converting to owner occupation during the 1960's and 1970s, with a substantial proportion of the population moving to new Glasgow Corporation (Council) housing.
- The principal role of the property factor in the tenement and other private housing had by this time become one of property manager
- Property factors and private landlords are sometimes confused in the public eye, albeit some property factors also let out a small number of individual properties.
- In recent years, the proportion of properties in Glasgow which are privately rented has gone up again and the tenure now accounts for some 19% of all housing stock.

2. Essential and routine maintenance work is carried out on behalf of all of the owners by a property factor appointed by the owners

- In essence, factoring is the system used to maintain the common parts of a sub-divided residential building containing individual flat dwellings, usually, but not exclusively, a tenement building. Many commercial buildings within Glasgow are also managed by a Factor in similar terms.
- Property factors are usually empowered under the Property Title or Deed of Conditions, on behalf of the property owners, to instruct repairs or maintenance to common property elements. Common property elements include roofs, downpipes, gutters, outbreaks of rot, or any other common part within the block or development.. Some repairs and maintenance may require the approval of a majority of owners in a close or block of flats or indeed funding in advance of works being carried out
- In exchange for the provision of a factoring service, owners pay a management fee and a share of the costs of any routine and extraordinary repairs to common elements and any other specified services. This arrangement is usually set out in the title deed conditions to the property and/or in the form of a written contract ("The Factoring Agreement").

3. Property factoring remains a key feature of residential life, affecting around three-quarters of all households in Glasgow

- The management of common property elements in these buildings is therefore key to the well being of a large number of Glasgow's citizens

4. There are different kinds of property factors operating in the city

- a) **Private factoring operations** manage the vast majority of older tenements in the city, and several large recently built multi-unit developments.
- b) **Wholly-owned subsidiary companies of Registered Housing Associations.**
- c) There are a number of **self-factoring groups** established within the city.

5. Property factors are subject to the legal provisions set out in the Property Factors (Scotland) Act, 2011

- It is a criminal offence to act as a Property Factor if the company is not registered with the Scottish Government.
- Registered property factors must adhere to the 'Code of Conduct for Property Factors'. The Code provides details of the minimum standards of practice with which factors must comply.
- Each property factor is obliged to provide a written statement of services to each of its customers including how it will communicate and consult with owners, how it will carry out repairs and maintenance, recover debt, and what its processes are in relation to complaints resolution.
- If there is a dispute between a homeowner and their Factor, the homeowner can refer a complaint to the Homeowner Housing Panel, (Hohp) providing they have first exhausted their factor's own internal complaints process.

Letfirst – Housing for Refugees

The City Council's Refugee Support Team is working in partnership with Orchard & Shipman through Letfirst to provide housing for refugees in Glasgow and urgently requires properties of all types and sizes to meet the need for accommodation.

Landlords participating in the scheme will benefit from:

- Excellent rental yields
- Guaranteed rent, even if the tenant doesn't pay
- Protection from costs of tenant damage
- 2-5 years leasing option
- Tenancies starting within 5 days of lease signing
- No hidden fees

More than 3000 landlords throughout Scotland have signed up to this unique leasing model over the last 10 years, demonstrating its appeal and success.

If you are interested in securing your rental income for up to 5 years, contact Letfirst today to find out more - call 0141 428 3263, [email \[glasgow@let-first.com\]\(mailto:glasgow@let-first.com\)](mailto:glasgow@let-first.com) or visit www.let-firstlandlords.com.

