



# YORPROPERTY

## CITY OF YORK LANDLORD ACCREDITATION SCHEME

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## CONTENTS

|  | Page |
|--|------|
| YorProperty Landlord Accreditation Scheme – Introduction | 4    |
| The Benefits of Accreditation                            | 6    |
| How the Scheme Works                                     | 8    |
| Fit and Proper Person                                    | 10   |
| Training and Continuous Professional Development         | 12   |
| Code of Management                                       | 16   |
| Equalities   | 16   |
| Advertising  | 16   |
| Deposits   | 16   |
| Receipts   | 16   |
| Fees   | 16   |
| Insurance  | 17   |
| Tenancy Agreements                                       | 17   |
| Pre-Tenancy Checks                                       | 17   |
| Inventories  | 17   |
| Disputes   | 18   |
| Information / Repairs                                    | 18   |
| Emergency Repair Arrangements                            | 18   |
| Response Times   | 19   |
| End of Tenancies   | 19   |
| Business Conduct   | 20   |
| Complaints and Non-Compliance with the Scheme            | 21   |
| Complaints   | 21   |
| Non-Compliance Procedure                                 | 21   |

|   |    |
|---|----|
| Investigating Non-Compliance                          | 22 |
| Penalties   | 23 |
| Appeals Procedure                                     | 24 |
| Property Management /Physical Standards               | 26 |
| Specific Requirements                                 | 27 |
| Housing Health & Safety Rating Scheme                 | 27 |
| Decent Homes Standard                                 | 27 |
| Houses in Multiple Occupation                         | 28 |
| Fire Safety   | 29 |
| Gas Safety  | 32 |
| Electrical Safety                                     | 33 |
| Furniture and Furnishings                             | 33 |
| Energy Performance Certificates and Energy Efficiency | 34 |
| Security  | 36 |
| Amenities   | 37 |
| Room Sizes  | 37 |
| Localpad  | 38 |
| Community Relations                                   | 40 |
| Visual Impact   | 40 |
| Complaints about tenant's behaviour                   | 40 |
| Signboards  | 40 |
| Refuse Bins / Recycling / Waste Collection            | 41 |
| Car Parking   | 41 |
| Data Protection Policy                                | 42 |

## YorProperty

### **City of York's Landlord Accreditation Scheme**

The City's landlords play a vital role in providing much needed accommodation within York. It is widely recognised that the vast majority of landlords are doing a good job in carrying out this role, contributing to the development of the City. However we need to ensure that landlords within the Private Rented Sector are able to provide the types of accommodation the market is demanding, at a standard which is acceptable to all. The continuing improvement of the stock and management standards in the Sector is of significant social and financial benefit to the general economy of the City in addition to maintaining the buoyancy of the rental market.

We should not simply rely on individual landlords themselves to secure greater professionalism and improvements in stock quality, however. Landlords have every right to expect that those who engage with them on a professional basis do so in a properly business-like fashion and that support is available where necessary. Potential changes in the Private Rented Sector nationally, in addition to local market conditions, can impact on the operation of a successful business.

YorProperty is a voluntary accreditation scheme for private landlords and agents, which recognises and promotes good quality, well-managed private sector accommodation. It is aimed at **all** private rented dwellings, whether the property is licensed under the Housing Act 2004 or not. It provides recognition to landlords and agents who take a responsible approach to letting their properties and helps promote them. It helps tenants by identifying properties which meet the standards set out in the Scheme.

It does this by setting out minimum safety, contractual and service delivery standards that tenants can expect when they rent accommodation. These standards are clear, understandable and readily achievable.

The Scheme has been developed in consultation with, and is supported by, City of York Council, the University of York, York St. John University and individual landlords and letting agents.

Accreditation status will be given to landlords and agents of properties which meet the following requirements:-

- The landlord or agent is a fit and proper person and complies with the Scheme's Code of Management Practice.
- The landlord or agent has attended training organised in conjunction with the Scheme or by a recognised organisation.

- The property is free of all Category 1 and high scoring Category 2 hazards as identified under the Housing Health and Safety Rating System (HHSRS).
- Gas Safety certificates and Energy Performance information and other safety certificates are provided as required.
- The property has an adequate means of escape and detection in case of fire.
- The property meets the physical standards set out in the Scheme.

## **BENEFITS OF ACCREDITATION**

### **To the Landlord and Agent**

- Access to a specifically developed York version of Localpad the private rented property advertising website viewed by over 2 million prospective tenants nationwide free of charge,
- Positive publicity, with certification and the provision of logos for display, use on stationery etc,
- Training and Continuous Professional Development to assist the running of your business
- Advice seminars on housing, legal, planning, crime prevention and other related matters
- An e-mail newsletter providing updates, information and other useful information
- Web-pages which list accredited landlords and agents, linked to the City of York Council website
- Where the City of York Council is involved in the provision of housing in the private rented sector, accredited landlords or agents and their properties will be given preference
- The colleges and universities will promote properties managed by landlords or agents who are accredited under the Scheme.
- A commercial advantage in the changing and rapidly expanding private rented sector
- Negotiated discounts with providers of services useful to Landlords
- The ability to deal with issues without the involvement of the City of York Council

## **To Tenants**

- Tenants of accredited properties should find them to be safe and in good repair
- The tenant can expect that the landlord or agent is committed to their health, safety and welfare
- Clear and concise tenancy agreements that inform both the tenant and landlord or agent of their responsibilities.
- Deposits/payments are registered to ensure no subsequent discrepancies

## HOW THE SCHEME WORKS

### YorProperty and YorProperty Plus+

The role of the private landlord requires many varied skills and a wide area of knowledge, ranging from legal obligations and duties as a landlord through to property management and business skills.

Running a successful business will result in a profitable return on your investment and enable you to provide good quality housing for your tenants, with minimum intervention from the authorities. YorProperty aims to provide as much support as is required by landlords to enable them to provide the essential private rented letting services that the City needs.

The YorProperty and YorProperty Plus elements of the scheme have been developed to recognise good practice and reward responsible letting by landlords. The scheme also benefits tenants by giving them peace of mind about the standard of accommodation that they are renting.

### YorProperty

To become an accredited 'YorProperty,' property, it must meet a basic level of repair, maintenance and management, whilst accredited 'YorProperty Plus' properties are expected to provide a higher standard of accommodation.

An accredited property must meet the minimum requirements of the decent homes standard. This means that the dwelling - including the structure, associated outbuildings, yard or any other amenity space, and means of access - should provide a safe and healthy environment for the occupants and any visitors they may have. It must be free from category one and high category two hazards, as described in the Housing Health and Safety Rating System (HHSRS) guidance document [http://www.york.gov.uk/downloads/file/5928/a\\_guide\\_to\\_the\\_housing\\_health\\_and\\_safety\\_rating\\_system\\_hhsrs\\_long\\_version](http://www.york.gov.uk/downloads/file/5928/a_guide_to_the_housing_health_and_safety_rating_system_hhsrs_long_version).

### YorProperty Plus

The dwelling - including the structure, associated outbuildings, yard or any other amenity space, and means of access - should provide a safe and healthy environment for the occupants and any visitors they may have. It must be free from category one and high category two hazards, as described in the Housing Health and Safety Rating System (HHSRS) guidance document [http://www.york.gov.uk/downloads/file/5928/a\\_guide\\_to\\_the\\_housing\\_health\\_and\\_safety\\_rating\\_system\\_hhsrs\\_long\\_version](http://www.york.gov.uk/downloads/file/5928/a_guide_to_the_housing_health_and_safety_rating_system_hhsrs_long_version)

In addition to meeting the above standards, a YorProperty Plus property must also:

- have reasonably modern facilities
- have effective insulation
- be safe and secure



- have an electrical safety certificate and PAT testing certificates as appropriate
- have instruction manuals or user guides for the main appliances
- have decoration and floor coverings in good order

Further details are included in the relevant chapter of this document.

Landlords who successfully apply for accreditation will receive a package of benefits, including access to discounts from certain service providers, a membership certificate, and the right to use the relevant accreditation scheme logo on their letterheads and publicity material.

## **Landlords**

Landlords wishing to become members of the Scheme should complete the online application form at the YorProperty website or make arrangements with the Housing Standards and Adaptations Team to complete it.

The Housing Standards and Adaptations service will respond within 10 working days of receipt.

Landlords are generally accepted on a self-certification basis, however to maintain the reputation of the Scheme, a monitoring system is in place. A percentage of properties covered by the Scheme will be inspected on an annual basis and tenants may be asked directly if the Scheme is being complied with. This inspection will include a request to view all relevant safety certificates connected with the property. If there is an issue with a certificate, landlords may be asked to provide all relevant certificates for all their properties.

Once a Landlord is accredited, details of their properties will be made available to prospective tenants on request and will be advertised on the YorProperty website.

Where serious complaints are received about a property or a landlord's actions, you will be contacted to arrange a visit and re-appraisal.

Where a property fails to meet the required standards, there is an opportunity to put right any deficiencies identified within a set timescale. Any serious health and safety risks identified will be immediately referred for action. Following completion of any works, the property will be re-inspected without the need for a new application.

## **Agents**

Agents wishing to become members of the Scheme should complete the on-line application process for each property they wish to be accredited.

Agents must ensure that **all** of the properties they manage that are to be included in the accreditation scheme comply with the requirements of the Scheme and agree to manage them in accordance with the Management Code of Practice. These should

be identified by means of the Scheme logo on any advertising. Properties managed by an agent which are not included in the Scheme will not be advertised on LocalPad. To maintain the reputation of the Scheme, a monitoring system is in place. A number of applicants will therefore be contacted for a property inspection.

Agents must ensure that they retain all the necessary certificates for each of the properties that they own or manage. All necessary certificates must be made available within 24 hours of a request from an officer of the City of York Council authorised under the Housing Act 2004. A percentage of properties covered by the Scheme will be inspected on an annual basis and tenants may be asked directly if the Scheme is being complied with. The inspection will include a request to view all relevant safety certificates connected with the property. If there is an issue with a particulate certificate, agents may be asked to provide all relevant certificates for all properties owned by the appropriate landlord.

Once an agent is accredited, details of their properties can be made available to prospective tenants on request and can be advertised as previously detailed.

Where serious complaints are received about a property or an agent's actions, you will be contacted to arrange a visit and re-appraisal.

Where a property fails to meet the required standards, there is an opportunity to put right any deficiencies identified within a set timescale. Any serious health and safety risks identified will be immediately referred for action. Following completion of any works, the property will be re-inspected without the need for a new application.

Where an accredited agent does not manage a property and only provides a letting or tenant finding service for a non-accredited landlord, the agent must ensure that the tenants are provided with written confirmation that they will not be managing the property and that their client **is not** an accredited landlord under this Scheme if this is the case. Such properties will not be advertised on Localpad.

Upon receiving accreditation status, the landlord or agent will be awarded a certificate with a membership number. Accreditation will last for 1 year, during which time the appropriate records and safety certificates of the properties owned/managed must be renewed as required and forwarded or retained for inspection as required, to ensure properties continue to meet the requirements of the Scheme.

## **FIT AND PROPER PERSON**

It is a requirement of the Scheme that the landlord or agent is considered a "fit and proper" person. The definition of fit and proper has been based on the Housing Act 2004.

Applicants should not have any unspent convictions particularly in respect of any offence that might be relevant to their application, in particular:

- Any offence involving fraud or other dishonesty, or violence or drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- Undertaken any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; or
- Contravened any provision of Housing Law.

Additionally in the last five years, neither they nor any person associated or formerly associated with them have:

- Been refused a licence, had a licence removed, or breached conditions of a licence for any property in relation to a mandatory, additional or selective licensing scheme under the Housing Act 2004;
- Been in control of any property that has been subject to an Interim or Final Management Order or a Special Interim Order under the Housing Act 2004;
- Been in control of any property on which a Local Authority has carried out works in default;
- Been in control of any property where they have been found guilty of a criminal offence or been the subject of legal proceedings commenced by a Local Authority or other Regulatory Body (such as breaches of the Environmental Protection Act 1990, Planning Control, Compulsory Purchase or Fire Safety Requirements);
- Been convicted of any charges relating to harassment or illegal eviction.

If any of the issues detailed under the fit and proper person declaration cannot be satisfied, please contact the Housing Standards and Adaptations service. They will then look into the issue and contact you to discuss your application. The existence of such an issue may not prevent you being accredited.

To protect the reputation of the Scheme the City of York Council reserves the right to consider issues not specified above regarding the fit and proper status of individuals or organisations. For example, the service of legal notices or the involvement of a number of regulatory agencies may mean that the credibility of the Scheme would be undermined if an individual or organisation was accredited.

The Scheme also reserves the right to review the fit and proper status of an accredited landlord or agent in order to protect public confidence in the Scheme. In the event of serious or sustained complaints from tenants, formal action being taken by the City of York Council or other organisations, or other relevant offences being committed, the Scheme will carry out a review. The issues need not be restricted to accredited properties in York and could be related to other non-accredited premises either in the City or in other areas or as a result of other business interests or personal conduct.

A review will normally involve a meeting with the Scheme member concerned to establish and confirm information and, when complete, the decision will be confirmed in writing.

There will be an opportunity to submit a written appeal to the Accreditation Panel in the event of:-

- An application being refused on the grounds that a landlord or agent is not a fit and proper person, and
- A review concludes that a landlord or agent is no longer a fit and proper person

Appeals will be heard within 28 days of being received and accepted. Decisions will be issued within 5 working days of consideration.

## **TRAINING AND PROFESSIONAL DEVELOPMENT**

### **YorProperty Landlord Accreditation Scheme Training and CPD (Continuous Professional Development) Policy**

One of the aims of the YorProperty Scheme is to provide landlords and agents with information and professional development opportunities to:-

- Allow them to operate successful businesses
- Provide their tenants with safe and high quality accommodation
- Reduce the need for intervention from the City of York Council

YorProperty supports and encourages the continuous professional development (CPD) of its members so that they are able to maintain, improve and broaden their knowledge and skills to a sufficiently high standard of professional competence in the management of landlord/tenant issues and of property standards. The training programme to be offered will hopefully validate and act as a quality assurance for the competency of accredited landlords and agents. A series of points will be allocated to various training and activities. **It will be expected that an accredited landlord or agent will participate in training, activities and events that total a minimum of 9 points over the course of each year's membership.** If you are unable to

complete this, your CPD will be considered at the discretion of the Scheme. In some circumstances, to be approved by the Scheme, additional CPD points, up to a maximum of 6, attained in one year may be carried forward to the next year.

## **Core Training**

There is a core element of training that we would expect every member of the scheme to attend so that they are aware of the standards that the scheme requires and are able to meet them. These must be attended within the first year of membership. Meeting these requirements is a prerequisite of scheme membership. We appreciate that there are complimentary schemes across the UK based upon the principle of a landlord member completing a foundation course and agreeing to continue with professional development. As such, if you are accredited with the NLA (National Landlords' Association) or the RLA (Residential Landlords' Association) and have successfully completed an approved foundation course, you will also be recognised as fulfilling the training element of our accreditation scheme requirements. These two core training sessions will count towards a landlord's CPD points total.

In addition, YorProperty will offer other best practice training on specific issues which will be of use to the landlord's business and will count towards their CPD

## **Conditions of obtaining CPD with YorProperty**

- Landlords must retain evidence of attendance at events and activities as these may be requested at time of re-accreditation.
- Spot checks will be conducted from time to time.
- Landlords should record details of their CPD on the form provided and email or post to the Scheme administrator at the end of each year of membership.
- Penalties for provision of false information or miss-recording may include removal of accredited status.

## **Monitoring**

Monitoring of the scheme will be undertaken via annual CPD compliance sampling via email and post.

## **Reaccreditation**

Individuals accredited with YorProperty will be re-accredited annually, provided they:

- a) Continue to be a Fit and Proper Person;
- b) Have complied and continue to comply with the Code of Management Practice and relevant property standards;
- c) Have taken steps to maintain and update their knowledge during their membership;
- d) Have accumulated the relevant number of CPD points;
- e) Pay the necessary fee, and

f) They have undertaken at least one best practice training session provided by YorProperty within the first 2 years of starting membership of the scheme and have undertaken at least one best practice training session each year thereafter during their membership of the Scheme.

| <b>CPD points will be awarded for the following memberships and activities:</b>  | <b>Conditions</b>  | <b>CPD points awarded</b> |
|--|--|---------------------------|
| YorProperty Accredited (Attended Core Training courses, Agrees to code of management and is a Fit and Proper person)   | CPD awarded once during period landlord/agent is accredited.   | 6 points                  |
| Membership of York Student Accommodation Code of Practice  | Approved member of code of practice  | 3 points                  |
| Membership of a Private Landlord Association   | CPD points awarded for each membership year. Additional CPD points will not be awarded for multiple memberships in one year.   | 3 points                  |
| Membership of a recognised professional body that has an enforceable code of conduct and encourages good practice. E.g. NALS (National Approved Letting Scheme), ARLA (Association of Residential Letting Agents), ARMA (Association of Residential Managing Agents), NAEA (National Association of Estate Agents), RICS (Royal Institution of Chartered Surveyors) etc. | As approved and agreed by YorProperty. CPD awarded for each membership year. Additional CPD will not be awarded for multiple memberships and if the landlord/agent also holds membership with a Landlord organisation such as RLA & NLA further CPD points will not be awarded | 6 points                  |
| Best Practice training provided by YorProperty   | CPD awarded for each session attended  | 3 points                  |
| Attendance at City of York Annual Landlord Fair (or other council landlord forum or event with a duration of more than 3 hours)  | CPD will be awarded for each event attended.   | 3 points                  |

As stated, we appreciate that there are complimentary schemes across the UK based upon the principle of a landlord member completing a foundation course and agreeing to continue with professional development. As such, if you are accredited with the York Residential Landlords Association, the NLA (National Landlords' Association) or the RLA (Residential Landlords' Association) and have successfully completed an approved foundation course, you will also be recognised as fulfilling the training element of our accreditation requirements.

# **THE CODE OF MANAGEMENT**

## **Landlords and Agents agree to:-**

### **Equalities**

Ensure that no person or group of persons applying for housing or associated services will be treated less favourably than any other person because of their race, colour, ethnic or national origin, gender, disability, marital status, sexual orientation, age, religious belief or social status.

### **Advertising**

Accurately report property details and allow prospective tenants to view a property, having regard to the rights of any existing tenants.

### **Deposits**

The Housing Act 2004 requires a landlord to join a statutory tenancy deposit protection scheme from the 6<sup>th</sup> April, 2007, if they take a deposit for an Assured Short hold Tenancy.

If a deposit is taken **you must** place it in one of the official tenancy deposit protection schemes and provide the tenant with details of the scheme under which their deposit is being held.

Provide a receipt for the deposit paid.

Provide the tenant with detailed information about what steps they need to take to avoid any part of their deposit being retained at the end of the tenancy and offer to inspect the property at the tenant's request.

Give a written explanation to the tenant if any portion of the deposit is retained and what they can do to appeal against this.

### **Receipts**

Provide a receipt for all rent payments on request, if rent is payable other than weekly. Weekly receipts must be provided for all cash transactions.

### **Fees**

Fees and charges expressed as standard terms of a contract in tenancy agreements must be fair and written fully, clearly and in plain and intelligible language.

Prospective tenants must be given reasonable notice in advance of any and all fees and charges for which they may be liable during the process of arranging a tenancy,



during the period of the tenancy and which might accrue on termination of the tenancy.

Agents should inform landlords for whom they are acting of any or all fees or charges which may be charged. In addition, they should ensure that landlords adhere to the landlord accreditation scheme in relation to their dealings with tenants.

### **Insurance**

The landlord must insure the building and have landlord's liability insurance. Details of the latter must be provided if requested by the tenant. It is also suggested that the landlord insures those house contents that belong to them or are included on the inventory. It is good practice to advise tenants of recommended insurance companies for contents insurance of their possessions.

### **Tenancy Agreements**

Provide the tenants with a suitable written tenancy agreement in plain English, in a minimum font size of 14 points (or rent book if weekly tenancy), stating the name, phone number and current registered address of the owner, and agent if applicable. The contract should contain no clauses that conflict with the tenants' legal rights or with the terms of this code of management practice. Prospective tenants should be given a full copy of the tenancy agreement and should be permitted at least 2 working days within which to seek advice regarding these contractual terms.

It should clearly detail what rates, taxes, services or other charges are included in the rent and which are not included. The landlord's responsibilities for maintaining these services should be detailed.

It should also provide clear written instructions for the payment of rent and include clauses regarding nuisance and anti-social behaviour and the penalties if tenants behave in an anti-social manner.

It must clearly state the grounds for termination of the tenancy and the possession procedure which will follow if the terms of the tenancy are not complied with, as well as the tenant's rights.

### **Pre-Tenancy Checks**

Ensure that at the start of the tenancy a pre-tenancy check has been completed and that all obligations on the part of the owner in regard to repairs and property maintenance or improvements have been completed or will be completed by a date agreed with the tenants. Any repairs identified or intentions on the part of the landlord to carry out improvements should be confirmed in writing.

## **Inventories**

Supply an inventory, indicating the condition of items where necessary. The inventory must be signed by the landlord and countersigned by the tenant, if in agreement, and returned to the landlord or agent by no later than 7 days after receiving it.

Where a Managing agent is employed, the landlord shall at the start of the letting, personally sign the inventory to confirm his/her acceptance of the agent's description of the items listed or delegate to the agent in writing responsibility for compiling the inventory and for deciding at the end of the letting whether all or part of the deposit shall be returned to the tenant.

The landlord or agent should supply the tenant with clear written instructions for the safe use of central heating equipment, hot water systems and other major electrical appliances.

## **Disputes**

Where disputes arise between the landlord and tenant, make a written response to tenants or their agent within 2 weeks, ensure that, where practicable, all settlements and agreements reached are honoured within 4 weeks of such a settlement being agreed and maintain courteous professional relations with any tenants during any dispute.

If complaints remain unresolved they should be referred to the Housing Standards and Adaptations Service. If this service can reach a resolution, the tenant and landlord will be notified. If no resolution is possible, the Service will provide advice about future courses of action open to both parties.

If the Scheme administrator considers the dispute to be of a serious nature and a breach of this code of management or the property requirements the fit and proper status of the landlord or managing agent shall be referred to the Accreditation Panel.

## **Information / Repairs**

There must be arrangements in place to report and deal with general repairs. Tenants should be given details of how to turn off the water supply, gas and electricity services and a telephone number to report repairs.

Instructions for the operation of any electrical equipment included in the let should be available to the tenant.

Provide details of the relevant utility companies and ensure that the tenant knows how to get services transferred or reconnected when necessary.

Provide details of refuse collection and recycling arrangements for the property.

## **Emergency Repairs Arrangements**

Provide details of an emergency contact (if different from the details outlined in the tenancy agreement).

Landlords must have arrangements in place for emergency problems with drains, electricity, gas and dangerous occurrences. A system to record all repairs must be in place as evidence of good practice. The landlord shall ensure this procedure works in practice.

## **Target Response Times**

### **Emergency Repairs**

Any repairs required to avoid a danger to health, risking the safety of residents or serious damage to buildings or residents' belongings (e.g. burst pipes, blocked drains, broken toilets and heating failure). These must be made safe or completed within 24 hours of the defect being reported, wherever possible.

### **Priority 2**

Repairs to defects which materially affect the comfort or convenience of residents must be completed within 3 working days of being reported.

### **Priority 3**

Reactive repairs not falling within the above categories. These must be completed within 28 days of being reported.

## **End of Tenancies**

Give tenants clear written guidance on the arrangements necessary to bring the letting to an end. This should include what is expected about cleaning and the condition of the property.

Inform the tenant of the date and time of the check out inspection so they can attend if they wish. Landlords or agents should take reasonable steps to meet a request to attend by the tenant. When carrying out the inspection, additional evidence, such as dated photographs, should be used if there is re-chargeable damage.

Administer deposits efficiently and fairly, using the monies only for the purposes for which they were intended. All tenancies must be administered in accordance with the statutory Tenancy Deposit Schemes.

Seek advice on contractual problems from the City of York Council, York Residential Landlords Association, National Landlords Association, solicitors who specialise in housing law or the Citizens Advice Bureau.

Remember that if you are carrying out any repairs or replacing furnishings, any waste arising from this work will be classed as trade waste because it results from your business and must be disposed of as such. To dispose of this as domestic refuse is an offence.

### **Business Conduct**

Do not demand money on an unreasonable basis.

Behave in a professional, courteous and fair manner towards their tenants and prospective tenants.

Ensure that, in the provision and letting of housing or associated services and in the letting of contracts, no person, or group of persons applying will be treated less favourably than any other person or group of persons because of their race, colour, ethnic or national origin, religion, gender, disability or sexual orientation.

Adopt the correct procedures for tenancy terminations and refrain from any act of harassment or illegal eviction.

Ensure adequate insurance cover is in place for the property, landlord's furnishings and for public liability.

Give the specified notice of entry before inspecting a property, except in the case of an emergency.

## **COMPLAINTS AND NON-COMPLIANCE WITH THE SCHEME**

One of the key aims of this Scheme is to provide public recognition for landlords or agents who maintain good standards both within their properties and in their management practices.

When the physical and/or management standards are breached, this part of the scheme provides:

- information, including timescales, for landlords and agents on how to deal with complaints, and
- a non-compliance and appeals procedure should the Scheme administrator need to investigate.

### **Complaints**

If contacted regarding an accredited landlord, agent or property, YorProperty and the City of York Council will advise that a tenant should contact their landlord or agent first and resolve the matter. We would recommend that the tenant should follow this up in writing, by e-mail or letter.

A landlord/agent receiving a request from their tenant should acknowledge receipt of the request and give an indication to the tenant of the action he/she will take to investigate/resolve the problem, including a reasonable timescale.

Recommended timescales for dealing with disrepairs to their home:

- Less than 24 hours – imminent risk to health and safety e.g. leaking toilets
- Less than 3 working days – significant disrepair matters e.g. no hot water or heating
- 28 calendar days for minor repairs, depending on the seriousness of the problem.

None of the above should prevent a tenant from contacting an emergency service where it is appropriate e.g. if the tenant smells gas then contact Transco free on 0800 111 999.

In exceptional circumstances, the Scheme may decide, with the tenant's consent, to contact the landlord/agent on the tenant's behalf without the tenant having first contacted the landlord.

If a tenant is not satisfied with the action taken by the landlord/agent or if no action is taken within a reasonable timescale and the tenant is unable to resolve the issue with the landlord/agent, the tenant should contact the Scheme or, in the case of a student, their educational institution. Such matters will be dealt with having regard to the non-compliance procedure.

### **Non-Compliance Procedure**

Landlords/agents will be investigated by the Scheme if it is considered that there has been noncompliance with the Scheme for either:

## **Persistent minor problems**

This category covers persistent minor management problems or persistent minor breaches of the physical standards listed in the Scheme. Examples include but are not limited to:

- failure to repair non-emergency faults within a reasonable time period
- properties not ready at the start of the tenancy
- failure to replace/redecorate if agreed to do so at commencement of letting
- failure to respond appropriately or promptly to reasonable communications from tenants and/or the Scheme or educational institution(s).

## **Serious major problems**

This category covers serious management problems or serious breaches of the physical standards. Examples include but are not limited to:

- harassment, assault or illegal eviction
- serious breaches of the physical standards such as failure to deal with or rectify problems within 24 hours where there is imminent risk to health or safety
- failure to comply with statutory legal obligations of a landlord which result in a serious and/or repeated impact on the tenants' rights and/or enjoyment of the property
- misrepresentation of a property as a Scheme property through false self-declaration when registering with an educational institution or through misrepresentation when marketing to a tenant.

Where there is a dispute over return of deposit, tenants and Landlords/Agents should use the complaints procedure of the relevant Deposit Protection Schemes.

## **Investigating Non-Compliance**

### **Step 1 – Receipt of complaint**

Following receipt of a complaint from a tenant, the Scheme will check that the tenant has already tried to resolve the issue directly with the landlord or agent before carrying out an investigation. The Scheme will not carry out an investigation if the tenant does not give permission for the landlord or agent to be given details of the tenant's complaint. If a tenant wishes to have a representative deal with a complaint on their behalf, they must give written authorisation.

### **Step 2 – Investigation**

As part of the investigation process, the landlord and/or agent will be approached to give their point of view. The landlord or agent will be asked to respond within **7** calendar days. The Scheme will, where appropriate, offer support to the landlord or agent to help them comply with the Code and to resolve the complaint.

A representative of the Scheme may visit the property concerned to have a full understanding of the issues being raised.

If, during the investigation, it appears there has been a serious breach of regulations/legislation:

- the relevant council/government department may also be informed and they may act independently

- in serious breaches of management or physical standards whereby a tenant is deemed to be at risk, the above procedures may be bypassed and any issues of non-compliance addressed after the matter has been resolved
- current property adverts and other benefits made available to the landlord or agent may be suspended pending investigation of a serious breach.

### **Step 3 – Outcome of investigations**

#### **Penalties for minor breaches of the Scheme**

Where the Scheme has investigated the matter and found that there have been minor breaches of the Scheme, it may take one or more of the following actions, short of suspension or removal from the Scheme

- Issue a warning letter to the landlord and/or agent.
- Request that the landlord or agent rectify the cause of the complaint within a reasonable time period set by the Scheme.
- Recommend that the landlord or agent reaches an agreement with the tenants to provide reasonable restitution where appropriate, e.g. if the tenancy has ended and it is not therefore possible for the landlord or agent to resolve the complaint (*Note, the Scheme does not have the authority to require a landlord to make payment*).
- Reaches an agreement with the landlord or agent that the Scheme monitors management of the property(ies) for a set period of time in the future, through asking for feedback from future tenants/inspections etc.
- In the case of management failings, reaches an agreement about future management practices and sets in place conditions for monitoring through feedback from future tenants/inspecting the property(ies).
- Publishes the outcome of the investigation on the Scheme's website for a specified length of time. This action should only be taken after careful consideration and consultation with senior staff within the Scheme.

There will be no appeal against a decision by the Scheme to take action short of suspension / removal from the Scheme.

#### **Penalties for Major Breaches of the Scheme**

Where the Scheme is satisfied that there has been an issue of major or persistent non-compliance, it can decide to suspend or remove the landlord or agent from the Scheme if one or more of the following factors applies:

- a tenant and/or their visitors have been subject to health and/or safety risks caused by the landlord's or agent's action or inaction
- lack of reasonable co-operation with the investigation of the complaint (including length of time for response, nature of response, failure to take action within recommended or agreed timescale)
- there is a risk of the Scheme being brought into disrepute if the landlord or agent remains on the Scheme
- there is a significant risk that there will be future non-compliance of the Scheme.

A landlord or agent will only be permanently removed from the Scheme in the most serious cases.

Where the Scheme decides either to suspend or to permanently remove a landlord or agent from the Scheme, they will be informed in writing within 5 working days of a decision being made. All institutions and organisations participating in the Scheme will also be informed.

A landlord or agent suspended or removed from the Scheme will not be advertised by any of the participating organisations.

- where a landlord or agent is suspended from the Scheme, the length of time of suspension will be no more than 1 year but may be less
- conditions may be attached at the time of suspension or at the time of re-application
- a landlord or agent would need to apply to be reinstated onto the Scheme after the end of the suspension period.

## **Appeals Procedure**

### **How to make an appeal**

A landlord or agent can appeal and should do so in writing within 7 calendar days of receiving the Scheme's decision.

Grounds for appeal are:

- the decision was based on incorrect information or without full information/adequate investigation
- the decision made is unreasonable or disproportionate
- the Scheme procedures were not followed during investigation of the complaint.

During an appeals process, the landlord or agent will remain suspended/removed pending the outcome of the appeal.

### **Appeals Process**

The appeal will be considered by an Appeals Panel chaired by a senior officer from the City of York Council, a representative of the Educational institution and a student representative in cases involving student accommodation, and an independent member and a landlord representative from the Accreditation Panel. The senior officer must not have direct responsibility for accommodation.

The chair considers all the paper correspondence related to the investigation to decide whether there are grounds for an appeal. Copies of the papers are made available to the landlord or agent and tenant.

If both the tenant and landlord or agent do not wish to attend a hearing, the chair will decide whether the Panel needs to convene or whether a decision can be reached by the panel through consideration of the documents and email/telephone communication with the members of the Panel.

The landlord or agent and tenant are both invited to attend. If either the landlord or agent or the tenant cannot attend within two months of receiving the appeal then the hearing will take place in the absence of that party. If the tenant and/or the landlord or agent do not wish to attend, the hearing will take place in the absence of that party.



No legal representatives will be allowed for the landlord or agent, tenant or the Scheme. Each party is entitled to be accompanied or represented by a lay person. The Panel will make a decision within two months of receiving the full paperwork for the appeal and will advise the landlord or agent in writing within 5 working days of making their decision.

The Panel can decide to set conditions on the landlord or agent retaining accreditation or conditions on returning to the Scheme in the case of a suspension. There is no appeal against the decision of the panel.

### **Note**

The City of York Council may investigate complaints received from a tenant and where formal notices have been served or legal proceedings have been successful then these will be shared with the Scheme organisers.

The Scheme encourages cooperation and communication between tenants and landlords or agents but the above complaints process does not prevent a tenant from taking other action outside the Scheme.

**Failure to respond to repeated requests for information from the Scheme or failure to respond to complaints within the specified timescales will result in a suspension of membership until such time as a response is received.**

### **Problems with Tenant behaviour**

1. Problems that cannot be resolved by landlords or agents within a reasonable timescale can be brought to the attention of the relevant educational institution in the case of tenants who are students and/or to the relevant City of York Council's officers.
2. The relevant officer will investigate the problem and decide on the most appropriate course of action.
3. The tenants will be reminded of their obligations and the possible legal consequences under the Tenancy Agreement or Environmental Protection Unit (for noise nuisance) where appropriate.

### **Annual Review**

The Accreditation Panel will carry out an annual review of the Scheme. The review will take into consideration policies and processes adopted by other accreditation schemes for private rented accommodation in order to ensure that best practice is maintained. Any changes introduced to the Scheme will normally apply to tenancies for the following year.

## PROPERTY MANAGEMENT / PHYSICAL STANDARDS

All parts of a dwelling must be in a reasonable state of repair, be clean and safe, and any appliances provided by the landlord must be in good working order prior to occupation of the property. The property must meet the following requirements -

- They are structurally stable, free from damp which could affect health and free from serious disrepair.
- They have adequate lighting, heating and ventilation and an adequate piped supply of water.
- There is an effective system for draining foul, waste and surface water.
- Landlords must maintain their houses and flats to ensure that the properties are habitable, that essential services and utilities are maintained in good working order and the supply not unnecessarily interrupted, and that relevant standards are maintained at all times.
- Landlords must ensure that all common use areas (including all escape routes and exits) are kept free from obstruction and that all staircases, handrails and banisters are in a good state of repair.
- In properties in multiple occupation, Landlords must ensure that any gardens belonging to the house should be kept in a safe and tidy condition and any boundary walls, fences and railings in as far as they belong to the house are kept and maintained in good and safe repair so as not to constitute a danger to the occupants.

Please note these are legal requirements, landlords cannot opt out of these by putting clauses in tenancy agreements.

Landlords or agents should undertake to carry out internal and external inspections of the property at appropriate intervals. Regular inspections can help resolve tenancy problems at an early stage and make the landlord aware of any unreported repairs and protect their properties. However, these should not be too frequent as to be intrusive and you should only enter the property when the tenant is not present with their prior consent.

Maintenance which can be carried out in a planned and cyclical manner such as gas servicing, gutter cleaning and painting, should be carried out with due regard to the convenience of the tenants.

Landlords **must have** an emergency repairs procedure, particularly for problems with drains, electricity, gas and dangerous occurrences. A system to record all repairs must be in place as evidence of good practice.

As part of this process, there must be arrangements in place to report and deal with repairs. Tenants should be given details of how to turn off the water supply, gas and electricity services and a telephone number to report repairs.

Appropriate records **must be** maintained regarding fire safety, gas and electrical tests and domestic energy performance where required.

## **SPECIFIC REQUIREMENTS**

### **Housing Health and Safety Rating System (HHSRS)**

The Housing Health and Safety Rating System (HHSRS) contained in Part 1 of the Housing Act 2004 replaced the fitness standard. The purpose of the HHSRS is not to set a standard for a house but to generate objective information which can be used to tackle hazards. The HHSRS assesses the risk to health and safety from these hazards and seeks to remove or reduce them to an acceptable level. Under HHSRS a dwelling must provide a safe and healthy environment for both occupants and any visitors.

There are 29 hazards but some are more common than others. In particular:-

- 1) damp and mould
- 2) fire
- 3) excess cold
- 4) falls
- 5) electrical hazards.

To maintain an adequate level of health and safety, HHSRS insists that:

- A dwelling must be free from avoidable hazards.
- Where hazards are unavoidable, the risk from that hazard should be reduced to an acceptable level.

The following link # leads to more information relating to every hazard and reference should be made to this chart before the application is completed.

# shows a suggested process that a Landlord or Managing agent could adopt to minimise the chances of any unacceptable hazards and to record when the assessment was carried out, any action taken and the date for the next assessment.

### **The Decent Homes Standard**

The rating system works in conjunction with this standard, which is the Government target to provide comfortable, warm and affordable housing across all sectors of the housing market.

A decent home as defined as one that:-

- Meets all statutory minimum legal requirements
- Is in a good state of repair and structurally stable

- Is wind and weather tight
- Is warm and has reasonably modern facilities

In general, a Landlord or Managing Agent, recognised as a fit and proper person, who agrees to abide by the management code of practice and all of whose properties meet this standard should be automatically approved for accreditation at the basic YorProperty level.

### **Houses in Multiple Occupation (HMOs)**

Since the introduction of the Housing Act 2004, the definition of a house in multiple occupation has changed so that, for example, buildings made up of self-contained flats that were converted to Building Regulation standard no longer fall within this definition but student shared houses that were previously excluded from the definition are now included.

A property where an entire house or flat is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet; or a house which has been converted into 3 or more bedsits or other non-self-contained accommodation again sharing facilities; or a building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies will all be classed as Houses in Multiple Occupation where it is the tenants' only or main residence. Specific Management Regulations apply to such properties.

Houses in Multiple Occupation are also subject to additional legislation requiring larger units to be licensed. So were there are 5 or more tenants, in 2 or more households, over 3 or more storeys and sharing facilities a licence must be applied for. Standards then apply to such licensed properties regarding the level of amenities and facilities in kitchens and bathrooms appropriate in number and location for the number of occupants and with respect to the means of escape in case of fire. (See [http://www.york.gov.uk/info/200480/houses\\_in\\_multiple\\_occupation/373/houses\\_in\\_multiple\\_occupation/2](http://www.york.gov.uk/info/200480/houses_in_multiple_occupation/373/houses_in_multiple_occupation/2)).

With respect to Landlord Accreditation those landlords who are already licence holders under mandatory HMO licensing are encouraged to join the Scheme as the necessary checks with respect to property standards and 'fit and proper person' criteria have already been completed. It is also intended that Landlords of licensed HMOs will benefit from a reduction in their accreditation scheme fee.

### **Fire Safety**

Landlords must carry out a fire-risk assessment of each of their properties to identify any possible dangers and risks. This does not need to be written down but it is strongly recommended that you do so. To help, a risk assessment sheet is available at [www.york.gov.uk/housing/hmo/Landlords\\_info/factsheets](http://www.york.gov.uk/housing/hmo/Landlords_info/factsheets)

A suitable and sufficient fire risk assessment must cover the following areas:

- measures to reduce the risk of fire breaking out or spreading in the house
- means of escape from the premises
- measures for ensuring that the means of escape can be safely and effectively used at all times
- means for fighting fires on the premises
- means for detecting fire and giving warning in case of fire on the premises
- arrangements for action to be taken in the event of a fire, including the information and notices to be given to tenants.

Landlords must:

- get rid of or reduce the risk from fire as far as is reasonably possible and provide
- take other additional measures to make sure there is protection if flammable or explosive materials are used or stored
- create a plan to deal with any emergency and, in most cases, keep a record of your findings
- review your findings when necessary.

What to do:

Step 1 – Identify the hazards within the house

You need to identify:

- sources of ignition such as naked flames heaters etc
- sources of fuel such as waste
- sources of oxygen.

Step 2 – Identify people at risk

You will need to identify all those people who may be especially at risk such as:

- students and their visitors
- cleaners, contractors.

Step 3 – Evaluate, remove, reduce and protect from risk

Evaluate the level of risk in your premises. You should remove or reduce any fire hazards where possible and reduce any risks you have identified. For example:

- have a no smoking policy
- remove rubbish and belongings from the staircase and hallways
- don't allow bikes and other material to be stored on any part of the exit route from the property.

When you have reduced the risk as far as possible, you must assess any risk that is left and decide whether there are any further measures you need to take to make sure you provide a reasonable level of fire safety.

In this short guide, it is impossible to give detailed guidance for every type of premises. However, the minimum you should consider will include the following.

- A clear escape route inside the property which leads directly to a place outside the house. This escape route will normally use the landings, internal staircase and corridors, and all bedrooms must lead directly on to this route unless alternative arrangements have been approved by City of York Council.
- Where the normal route into and out of a property involves passing through a kitchen or living room, an alternative route must be kept available.
- Early warning is important and the chart outlines National Guidelines. These fire precautions give a standard which will ensure that there is not a category 1 hazard. More detailed fire safety guidance and risk assessment forms are available on City of York website: [www.york.gov.uk/housing/hmo](http://www.york.gov.uk/housing/hmo).
- A mains linked heat detector with integral battery back up in the kitchen.
- All properties require a fire blanket to BS EN1869:1997. This should be mounted on a wall away from the cooker in the direction of the exit.
- All floors of a property should be accessible by a safe staircase. Access by a ladder or unsafe means is not acceptable.

#### Step 4 – Record, plan, inform and instruct

In addition to the record sheet you have completed you will need to give information and guidance to the tenants of the measures you have taken and where appropriate give them brief instructions as to how to use the equipment you have provided.

#### Step 5 – Review

You should make sure your fire-risk assessment is up to date. You will need to re-examine your fire risk assessment if you suspect it is no longer valid, such as after a near miss and every time there is a significant change to the level of risk in the house. This could include:

- a change in the number of occupants
- an extension to the house
- a change to the layout of the house.

#### Typical fire safety requirements required in line with National Fire Safety Guidance

This table should be read in conjunction with the full guidance which can be downloaded from [www.york.gov.uk/housing/hmo/Landlords\\_info/northyorksfireguide](http://www.york.gov.uk/housing/hmo/Landlords_info/northyorksfireguide)

| No. of Floors         | Up to 2 Storeys   |  | 3 or more Storeys  |
|-----------------------|---|--|--|
| No. of occupants      | Resident landlord with up to 2 lodgers  | Up to 6 persons sharing  | Up to 6 persons sharing<br>HMO licence required  |
| Fire detection        | Mains interlinked smoke detectors with integral battery back up on each floor level BS 5839 Part 6 grade D system.  | Mains interlinked smoke detectors with integral battery back up on each floor level and to the living room interlinked with a heat detector to the kitchen with integral back up BS 5839 Part 6 grade D system.  | Mains interlinked smoke detectors with integral battery back up on each floor level and to the living room interlinked with a heat detector to the kitchen with integral back up BS 5839 Part 6 grade D system.  |
| Structural Protection | Sound well constructed and close fitting doors to all rooms off the hall and landing  | Sound well constructed and close fitting doors to all rooms off the hall and landing. The stairs should lead directly to a final exit without passing through a risk room. Final exit door must allow easy and immediate exit, e.g. a thumb turn lock. | Sound well constructed and close fitting doors to all rooms off the hall and landing. (+) The stairs should lead directly to a final exit without passing through a risk room. Final exit door must allow easy and immediate exit, e.g. a thumb turn lock. |
| Fire Blanket          | 1 x fire blanket to the shared kitchen to comply with BS EN 1869  |  |  |
| Surfaces              |   |  | Class 1 (++)   |
| Emergency Lighting    | An emergency lighting system should be provided to the protected escape route to comply with BS 5266 Part 1 where the route is long, complex or lacking effective borrowed light. (generally this is not considered necessary e.g. where there are no communal stairways or other shared facilities above the first floor level). |  |  |

*If more than 6 persons in a 2 storey property or the property is 3 storey or more with 7 persons or more then please contact the City of York Council.*

#### Footnotes

(+) When carrying out a full refurbishment or upgrade of the property the following standard should be considered. A protected escape route should be provided i.e. ½ hour fire resistant doors to all rooms leading onto a means of escape (with the exception of bathrooms / wick.); including fire door sets to British Standard 8214 (where detection is not within bedrooms, smoke seals should not be fitted to fire

doors). Higher risk sources shall also be protected by 30 minutes protection (for example electric meters in the escape route, under stairs cupboards.) There should be an easy and immediate exit from the building at all times (e.g. A Yale type lock or thumb turns Euro type lock on the final exit door).

(++) Class 1 as defined in BS476, Part 1 Examples brick, wood, block wood, concrete, plasterboard, ceramic tiles, plaster finishes including rendering on wood or metal.

## **Gas Safety**

All gas appliances, flues etc must be maintained in a safe condition in accordance with the Gas Safety (Installation and Use) Regulations.

- An annual Landlords' Gas Safety certificate, issued by a 'Gas Safe' registered engineer, **must be** made available to the Scheme administrator on request for the purposes of the Scheme. A copy of the certificate must also be given to the tenants to show the date of inspection, any defects and the action taken.
- All repairs must be carried out by a 'Gas Safe' registered engineer.
- Landlords or Letting/Managing Agents must show new tenants how to turn off the gas supply in case of an emergency.
- Whenever the landlord is informed about a fault, it must be dealt with immediately.
- Landlords/agents or tenants must not supply paraffin heaters or bottled gas appliances.
- Carbon Monoxide Detectors must be provided in all properties where a gas appliance is present. The detectors can be battery operated as long as they comply with BSEN 50291. Proper placement of Carbon Monoxide Detectors is important, first you should have regard to the manufacturer's information, however, the following gives guidance on where to site Carbon Monoxide Detectors.

Provide as a minimum one carbon monoxide detector to each floor where there is sleeping accommodation. The detector should be close to the bedrooms so that it is audible and capable of waking a sleeping person.

The ideal position to place a carbon monoxide detector would be on a wall 1.6m above floor level or on the ceiling. In rooms with sloped ceilings the detector should be located at the high side of the room.

Landlords should be aware that the annual gas safety check does not include servicing of gas appliances, and vice versa. It is therefore recommended that all gas appliances are serviced annually **in addition** to the mandatory requirement of a Gas Safety Inspection.



## **Electrical Safety**

To achieve the YorProperty Standard a landlord **must** make sure:

- That the electrical system of the property (e.g. sockets and light fittings) is safe;
- That all appliances they supply (e.g. cookers, kettles) are safe;
- that, prior to the start of every tenancy, a visual check of all electrical items, such as socket outlets, light switches and distribution boards, has been carried out and any defects repaired immediately. The landlord should also always look out for any electrical issues during routine visits to the property;
- Tenants should be issued with clear written instructions for the safe use of all major electrical appliances and all appliances must function safely and in accordance with the manufacturer's instructions;
- Any alterations to the fixed electrical system should comply with the latest edition of Part P of the Building regulations;
- All repairs/improvements must comply with the latest IEE wiring regulations, and Tenants should be issued with clear written instructions for the safe use of all major electrical appliances and all appliances must function safely and in accordance with the manufacturer's instructions.

To achieve YorProperty Plus Standard, the landlord should ensure that every fixed electrical installation is inspected and tested at intervals not exceeding five years by a qualified person to undertake such inspection and testing. A certificate should be given to the landlord from the person carrying out the test stating the results of the test (an Electrical Installation Condition Report).

In addition, all electrical items/equipment provided by the landlord including kettles, fridges, cookers etc, should have a Portable Appliance Test (PAT) by a competent person in accordance with the Scheme for in service inspection and testing of electrical equipment, at least once every 2 years or at an appropriate date set by the tester. Brand new electrical items should be tested no later than two years from purchase or at an appropriate date set by the tester.

In Student properties and Houses in Multiple Occupation in particular, in order to avoid overloading of electrical circuits, a minimum of four electrical sockets are recommended for each study-bedroom.

### **.Furniture / Furnishings Safety**

All furniture and furnishings provided must comply with the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended). Most fire resistant furniture will carry a

display label stating that it meets the requirements for fire resistance. Upholstered articles must have fire resistant material.

Cover fabrics must have passed a match resistance test. Filling and cover combined must have passed a cigarette resistance test.

- All furnishings and fittings must be clean and in a reasonable condition.
- All rooms let as bedrooms must contain a bed at least 90 cm in width, with an adequate mattress.
- For student properties, there should also be reasonable clothes storage space, a desk or working surface and a chair.

### **Energy Performance Certificates and Energy Efficiency (including Thermal Comfort, Heating and Insulation)**

Under the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007 an energy performance certificate (EPC) is required when a building is let. It is a requirement of the Scheme for a property to have an Energy Performance Certificate. A copy of the EPC for any property must be made available to the Scheme administrator on request for the purposes of the Scheme.

The purpose of the EPC is to show prospective tenants the energy performance of the dwelling they are considering renting.

EPCs are valid for ten years and can be reused as many times as required within that period. It is not necessary to commission a new EPC each time there is a change of tenant. However, once a more recent EPC has been produced for a dwelling, it will always supersede an existing one. Thus, where a number of EPCs are obtained for a property within the ten year period only the most recent one is valid.

An EPC is not required for any property that was occupied prior to 1 October 2008 and which continues to be occupied after that date by the same tenant. However, landlords may commission EPCs for these dwellings if they wish.

The EPC shows two things – the Energy Efficiency Rating (relating to running costs) and the Environmental Impact Rating (relating to the carbon dioxide emissions) of a dwelling. Each rating is shown on an A–G rating scale similar to those used for fridges and other electrical appliances.

All dwellings must have an efficient, programmable heating system and effective insulation.

There must be a well-insulated hot water tank or instant hot water from a combination boiler or gas multipoint water heater.

There must be an appropriate space heating system which has been safely and properly installed and maintained and controllable by the occupants.

Controls must allow separate use and programming of heating and hot water, including a programmer/timer and room thermostat.

There must be a minimum of 270 mm insulation to loft and eaves.

There must be effective lagging to any pipe work and water tanks in the roof space and to any central heating and hot water pipe work in unheated spaces.

A 'whole house' heating system must be in place, either by the provision of central heating, or at least one fixed programmable heating appliance in each room.

Any heating system should be appropriate to the design, layout and construction of the building, and must have adequate output to effectively heat the whole of the property.

Any form of heating must be controllable by the occupier and safely and properly installed and maintained.

In properties where the heating is centrally controlled, such systems should be operated to ensure that occupants are not exposed to cold indoor temperatures, and should be provided with additional controls to allow the occupants to regulate the temperature within their dwelling.

The use of portable heating appliances is not acceptable.

Roof spaces should be insulated to meet current Building Regulation requirements. Alternative insulating products may be used to provide thermal insulation to an equivalent level.

Water tanks and pipes in cold areas must be lagged, and hot water cylinders must be suitably insulated, and where necessary, external doors, windows and letterboxes should be draught proofed.

Energy saving light bulbs are preferable for use in dwellings.

The EPC rating is accompanied by a recommendation report that shows how to improve the dwelling's energy efficiency. These two elements together form the EPC and the complete document must be provided to a prospective tenant, free of charge at the earliest opportunity, before they are asked to sign a tenancy agreement. Landlords must provide an EPC free of charge to the person who takes up the tenancy.

There is no statutory requirement to carry out any of the recommended energy efficiency measures stated in the recommendation report. However, with the introduction of the Energy Act 2011, landlords should prepare themselves and use their EPC and its information to improve the energy performance standard of their house. From April 2016 landlords will not be able to refuse reasonable requests from tenants or councils acting on behalf of tenants to improve their property. From April 2018 it will be unlawful to rent out a residential premise that does not reach a minimum energy efficiency standard (the intention is for this to be set at EPC rating E).

EPCs must be produced by an accredited assessor, but landlords or agents are free to seek accreditation for themselves and/or their employees and so become competent to certify their own properties.

### **Benefits to Landlords of improving the energy efficiency of properties**

- Raised property values.

- The achievement of higher EPC ratings, which could make properties easier to let, particularly in the future.
- More satisfied tenants leading to lower turnover of tenancies and fewer voids.
- Likelihood of reduced rent arrears and defaults resulting from lower energy bills for tenants.
- Reduced incidences of condensation and dampness.
- Achievement of energy and heating efficiency standards set for the Landlord Accreditation Scheme.
- Reduced levels of fuel poverty experienced by tenants.
- Reduced carbon dioxide emissions from properties.

## Security

Locks must be fitted to all ground floor and any vulnerable first floor windows (such as those accessible from a flat roof) provided this does not contravene fire safety recommendations. Keys for the locks must be issued to tenants.

All external doors, except for designated fire doors (normally the main front entrance door), must be fitted with mortice bolts, top and bottom, to reinforce the existing lock. Modern, multi-locking UPVC doors would be acceptable without mortice bolts.

Doors designated as final exit doors (usually the front door of small premises) **must be fitted with a lock or locks that can be immediately opened from the inside when the premises are occupied, without the use of a key.**

External doors must be properly fitted and free from damage, have secure hinges and close fitting into the frame.

Where locks are fitted to bedroom doors in shared houses/houses in multiple occupation, they should be either the type that can be opened from the inside without the use of a removable key or a mortice type lock. Hasps/padlocks fitted to the outside of bedroom doors are not acceptable due to the hazard of entrapment.

If the property has a burglar alarm installed, details of alarm key holders must be made available to the tenants. City of York Council's Environmental Protection Department holds a confidential alarm key holder database, on which landlords can apply to be listed in case of alarms being activated at night. Safer York recommends the installation of a burglar alarm.

It is highly recommended that existing locks are replaced with five lever mortice locks to BS 3621. It is likely your building insurance will also require this.

It is recommended that locks complying with BS 8621 and BS EN12209 are used for doors with keyless egress.

Side and rear access to the property should be secured with strong, high, lockable gate(s). These must be openable from inside without the use of a key, e.g. bolted, to ensure safe exit in case of fire.

An optional, but highly recommended addition, is security lighting to cover vulnerable areas at the rear of the property. This can either be permanent, operated by a passive infra-red detector or dawn till dusk lighting.

Hedges should be trimmed for security. Safer York recommends using defensive planting i.e. prickly plants, to deter intruders.

## **Amenities**

The amenity standards refer to the cooking, washing and toilet facilities available in a property. These standards must be in place to ensure that a proper standard of hygiene can be maintained.

The Housing Act 2004 introduced amenity standards for kitchens and bathrooms in licensed HMOs.

[http://www.york.gov.uk/downloads/file/1476/amenity\\_standards\\_within\\_licensed\\_hmo\\_s](http://www.york.gov.uk/downloads/file/1476/amenity_standards_within_licensed_hmo_s)

### Amenities Shared House

Further information on the required amenity standard can be obtained from City of York Council.

### Scheme requirements

The following prescribed standards are a good guideline for Landlords to use when providing facilities for properties which do not need to be licensed.

Each kitchen must be an appropriate size for the number of occupants. It must contain suitable facilities for the storage, preparation and cooking of food.

There must be adequate levels of washing and toileting facilities to enable proper personal hygiene.

## **Room Sizes**

In shared housing in general and with regard to student housing in particular, bedrooms / study-bedrooms must be of an adequate size.

- Student study-bedrooms should be private and never act as a general access route for other residents and/or visitors.
- If the exit route from a bedroom is via a kitchen or living room, an alternative route, approved by the City of York Council, must be available.
- The recommended minimum bedroom size is 6.5m<sup>2</sup>, where there is a separate living room which is not a kitchen/dining area, not including larger open plan living spaces. Where there is no separate living room or open plan area the recommended minimum bedroom size is 10m<sup>2</sup>.

## **LOCALPAD**

This is a property management system which will be used to advertise all accredited properties within a corporate branded Localpad website. Localpad has been developed for use by accreditation schemes from the successful and highly regarded Studentpad university accommodation system, used by over 75 universities in the U.K. The web sites linked with LocalPad are very popular, with over 2 million visitors a year accessing property information.

It is a system to market properties within York that have met the standards set by accreditation. It will be recommended to prospective tenants as the primary location for available private rented sector properties in the City by the Council, University and educational establishment accommodation offices, Student Unions and other voluntary organisations.

The system is quite flexible in its set up. Landlords and agents can administer most of the changes themselves with a Council based administrator simply overseeing and vetting property information entered. The administrator, would have ultimate control of exactly which properties were advertised and when they are advertised via the site's administration functions

The details of each accredited property would be displayed in a table format as well as in a full colour brochure style page when available for letting. Furthermore, other information (relating to properties, areas and general advice) useful to prospective tenants will be displayed. Additionally the administration site can be used as a management tool both for landlords and for the accreditation scheme, with reminders being e-mailed automatically to members regarding such property management issues such as renewal dates for gas safety certificates for example.

It is envisaged that private tenants and prospective tenants will be able to access the information on the website from Council offices and by access to computers. Housing related staff will assist prospective tenants by printing off lists of houses, which fit their specific requirements.

Benefits of the scheme include-

Customer focus – The Internet based system will provide landlords, agents and tenants with much more interactivity, assisting people in their search for accommodation and keeping pace with what the “modern consumer” expects.

Empowers tenants – Information about standards that they can expect from properties and landlords will be displayed on the website. They will also be able to see which properties are suitable for tenants who are for example students or on housing benefits or other information including accreditation status and property standards.

Frequent contact– The software allows the Scheme administrator to produce an email / letter to all landlords within seconds. It is also possible to easily contact the landlords using the site's automated report functions in order to inform them, either by email or post, on any particular subject including the expiration of safety certificates.

A separate guidance document is available for users.

## COMMUNITY RELATIONS

### Visual Impact

Where a garden or paved area exists this shall be kept in good order and free of waste and litter, so far as is reasonably practicable. The landlord or agent shall have responsibility to enforce a requirement that their tenants keep the garden free of litter and the garden area should not be used to store old or unwanted furniture for more than 5 working days prior to its removal.

Between tenancies or when vacant, the landlord or agent shall also maintain the visual appearance of the property, outbuildings, gardens and boundaries in a reasonable state so as not to detract from the visual amenity of the area.

### Complaints about Tenants' Behaviour

The landlord or agent shall:-

- Respond to complaints regarding neighbour nuisance or the anti-social behaviour of their tenants, **respecting the anonymity of the complainant if this is requested**
- Visit/contact the tenant to discuss the complaint
- Write to the tenant following initial contact detailing what was discussed and agreed
- Co-operate fully with the appropriate agencies if the complaint is not resolved in the first week and take action within agreed time-scales
- Where it is agreed that there is sound evidence of a persistent breach of tenancy conditions the landlord or agent will serve notice to terminate the tenancy. The enforcement of this notice will depend upon the subsequent behaviour of the tenant in response to the notice.

### Signboards

In line with the Town and Country Planning Regulations (Control of Advertisements) 1992, the following will apply to signboards advertising a property to let, or a successful letting: the signboard "To Let" or "Let By" must not exceed a total surface



area of 0.5 of a square metre, or a total of 0.6 of a square metre for two joined boards; no signboard is allowed to extend outwards from the wall of a building by more than one metre; in each case only one board may be displayed on premises and this must be removed not later than 14 days after the granting of the tenancy.

### **Refuse Bins / Waste Collections**

Landlords or agents will ensure that they inform their tenants of the need for proper refuse management and about the waste collections and recycling scheme run by the City of York Council, with particular reference to the times, dates and natures of collections.

Where a property has its own external bins or recycling boxes, the house number of the property should be marked clearly on these. Where possible, wheelie bins should be located at the rear of the property and tenants should be informed of the need for them to return them to that location as soon as possible after they have been emptied.

### **Car Parking**

The Landlord or Managing agent shall advise the tenants of any residents' parking restrictions in force in the area of the property and, if possible, encourage the use of any available off street parking by tenants.

## **DATA PROTECTION POLICY**

The City of York Council needs to collect and use certain types of information about people with whom it deals in order to operate. These include current, past and prospective employees, suppliers, clients/customers and others with whom it communicates. In addition, it may occasionally be required by law to collect and use certain types of information of this kind to comply with the requirements of Government Departments for business data, for example. This personal information must be dealt with properly, however it is collected, recorded and used – whether on paper, in a computer or recorded on other material – and there are safeguards to ensure this in the Data Protection Act 1998. (Personal information is data which relates to a living individual who can be identified from the data).

We regard the lawful and correct treatment of personal information by the City of York Council as very important to successful operations, and to maintaining confidence between those with whom we deal and ourselves. We ensure that our organisation treats personal information lawfully and correctly.

To this end we fully endorse and adhere to the principles of data protection, as detailed in the Data Protection Act 1998.

Specifically, the Principles require that personal information:

- a. Shall be processed fairly and lawfully and, in particular, shall not be processed unless specific conditions are met;
- b. Shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
- c. Shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- d. Shall be accurate, and where necessary, kept up to date;
- e. Shall not be kept for longer than is necessary for that purpose or those purposes;
- f. Shall be processed in accordance with the rights of data subjects under the Act;

- g. Shall not be transferred to a country or territory outside the European Economic Area unless that country or territory ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data, and that
- h. Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.